

A B S T R A C T

OF THE

Smugglers, Arrest, Militia, Convicts, House-Tax,

AND OTHER INTERESTING

ACTS OF PARLIAMENT,

Passed in the Session of 1779.

[PRICE ONE SHILLING AND SIXPENCE.]

A B S T R A C T

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A ²⁴CONCISE
= **ABSTRACT**

OF THE MOST
IMPORTANT CLAUSES

IN THE FOLLOWING INTERESTING

ACTS OF PARLIAMENT,

PASSED IN THE SESSION OF 1779;

By which the PUBLIC in general are more immediately affected,
than by any passed in any former Session, viz—

- | | |
|---|---|
| 1. ACT for the SUPPRESSION of SMUGGLERS, and the PROTECTION and ENCOURAGEMENT of FAIR TRADERS. | 6. ACT for imposing TAXES on DWELLING-HOUSES, and HIRED SERVANTS. |
| 2. ACT for PREVENTING PERSONAL ARRESTS under TEN POUNDS. | 7. ACT for imposing TAXES on Post and other HIRED HORSES, and CARRIAGES. |
| 3. ACT for Raising, Embodying, and Regulating the MILITIA in ENGLAND, and FENCIBLE MEN in SCOTLAND. | 8. ACT for ADDITIONAL STAMP DUTIES, wherein are ascertained the Quantity of CHANCERY and COMMON-LAW SHEETS. |
| 4. ACT for IMPRESSING SEAMEN. | 9. ACT for LICENSING AUCTIONEERS, and TAXING Estates and Goods sold by Auction. |
| 5. ACT for ERECTING PENITENTIARY HOUSES for the Confinement of OFFENDERS convicted of Transportable Crimes. | |

WITH A

PREFACE, NOTES, and OBSERVATIONS,

By a GENTLEMAN of the INNER-TEMPLE.

L O N D O N :

Printed for FIELDING and WALKER, Paternoster-Row.

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ACTS OF PARLIAMENT.

PAID IN THE SUM OF \$100.00

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P R E F A C E.

AS we believe no one single Session of Parliament ever produced so many, and so interesting Acts as the last, a publication of them must be most acceptable to the Public; and when we point out to them, how nearly they affect them, as individuals, they will be more anxious to peruse them: we take leave therefore to observe, that they not only subject their properties to penalties, but also their liberties and lives to forfeiture, in many instances.

Inaccuracy and inattention, so derogatory to the character of Legislation, often occurs. Stat. 8 Geo. I. is cited without title, or even so much as a reference to the Chapter; Stat. 17 Geo. III. is cited in 19 Geo. III. Chap. 59. as *before* recited, though never beforementioned.

We cannot but be of opinion, that Chap. 59. imposing a tax on Hired menial Servants, and Chap. 75. for Im-
a pressing

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pressing men though not * brought up to the sea-service, seem to us rather contradictory legislative injunctions.

The Legislature seems, of late years, to bear very hard on the Profession of the Law; for in Stat. 19 Geo. III. Chap. 66. Sect. 12. they are pleased to insinuate a very undeserved imputation on them, in observing, that
 “ several persons insert in one skin of
 “ parchment, the contents of a greater
 “ quantity of sheets, than of Chancery
 “ or Common-Law sheets; and charge
 “ their Clients *double or treble* the
 “ sum for drawing or engrossing such
 “ skins; *calling* the *same double* and
 “ *treble* skins, and *pretending* that
 “ they insert twice or three times as
 “ much in quantity, as they are obliged
 “ to do; and that, upon taxation, they
 “ would be allowed as much as they
 “ have charged, reckoning the same
 “ by the number of sheets; by which
 “ means the Client, instead of judging
 “ of such charge by the numbers of
 “ sheets, *is liable to be imposed upon;*

* A great Marine Officer is said to have cautioned his domestics, by declaring to them, that it was not in his power to protect them, in case they happened to be impressed.

“ and

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“ and the revenue of stamps materially
 “ injured and diminished.” Sure it is
 the duty of the Profession to save their
 Clients all possible expence they legal-
 ly can ; and the Legislature can never
 be justified in considering this benefit
 to their Clients as an imposition on them.
 The practice, no doubt, diminishes the
 revenue, and so would engrossing on
 the reverse of skins, which till this
 Act passed, might have been legally
 done. Again :

By Stat. 12 Geo. III. Chap. 48.
 Sect. 1. “ If any person shall engross
 “ any part of a Writ, on parchment,
 “ &c. whereon there shall before have
 “ been written any other Writ, before
 “ parchment, &c. shall have been
 “ again stamped ; offender, his aiders
 “ and abettors, shall be deemed guilty
 “ of felony, and transported for seven
 “ years.”

There being no saving clause to this
 Act, attainder thereon works corrup-
 tion of blood.

Previous to the passing of this last
 mentioned Act, the *Venire*, *Distringas*
 and *Subpœna*, were usually altered, from
 one Sitting to another, and resealed ;

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but whether the Profession will now venture to continue this practice, subjecting themselves thereby to transportation and attainder, without a saving clause, seems worthy their present consideration.

Chap. 69. seems to claim the particular attention of all importers, dealers in and sellers of tea, coffee, chocolate, spirits, foreign spirituous liquors, and strong waters, as also the importers, sellers of, and dealers in foreign lace; druggists, grocers, chandlers, coffee and chocolate house-keepers, tavern and wine-vault keepers, and victuallers.

The Legislature * hath at last considered a debt amounting to less than ten pounds, as too frivolous a cause of action for depriving an Englishman of his liberty, and that permitting an arrest for so small a sum of money is vexatious; and to the honour of the Nobility of this Country, to the honour of the liberality of sentiment in the Youth of the legislative part thereof, this humane, this benevolent law was penned, introduced to, and passed by the Legislature, at the instance of

* See Chap. 70.

that

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that pattern of true Nobility, that illustrious Senator, Lord *Beauchamp*, the honourable (in the true sense of the word) heir apparent of *Francis Conway Seymour*, Earl of *Hertford*, Lord Chamberlain of his Majesty's Household.

We trust this public-spirited young Nobleman will, from his generous declaration at the close of the last Session of Parliament, promote the total abolition of personal arrest in civil causes, and in lieu thereof forward a law to render the estate and effects of the debtor liable to his just debts, till he shall have fully paid or satisfied every creditor twenty shillings in the pound.

The celebrated Lord Chancellor *Talbot* often declared, that a year's imprisonment was a satisfaction for a debt of a thousand pounds; if so, how rigorous was the long imprisonment of small debtors, upon this calculation?

Though the decency of the * Legislature, in directing Females to be whipped in presence of Females only, is truly commendable; yet we cannot but lament, that that species of punish-

* See 19 Geo. III. Chap. 74. Sect. 3.

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ment is not totally abolished, the same being an indelible disgrace to the Law : for, as a celebrated Female Historian hath well observed, whipping is a punishment incongruous to the nature of Englishmen, and, we may add, most unseemly to be inflicted on the Female part of the nation.

Again, the Legislature's reasons for erecting Penitentiary Houses for transportable Convicts, breathe too much the air of philanthropy and benevolence towards the young, the thoughtless, and the unfortunate, to be passed unnoticed. The reasons alluded to are :
“ If many offenders convicted of
“ crimes, for which transportation
“ hath been usually inflicted, were
“ ordered to solitary imprisonment, accompanied by well-regulated labour,
“ and religious instruction, it might be
“ the means, under Providence, not
“ only of deterring others from the commission of the like crimes, but also
“ of reforming the individuals, and
“ inuring them to habits of industry.”

The Legislature's reason for abolishing the punishment of “ Burning in the Hand,” does great honour to their
hearts

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hearts as well as their heads, “ because
“ it is often disregarded and ineffectual,
“ and sometimes may be a lasting mark
“ of disgrace and infamy on offenders,
“ who might otherwise become good
“ subjects, and profitable members of
“ the * Community.”

I think some of the Provisions concerning Cleanliness and Health, in Stat. 14 Geo. III. Chap. 59. might have been profitably, and to the purpose of the Legislature, inserted in this Penitentiary House Act.

I cannot omit noticing some other wholesome Laws passed since the present Accession; such as rendering the Judges independent † of the Crown; the abolishing the ancient punishment of *Peine ‡ forte and dure*; and for repealing Stat. 31 Eliz. Chap. 7. in regard to § cottages; with some others not in our present immediate recollection.

* Preamble to Stat. 19 Geo. III. Chap. 74. Sect. 3.

† 1 Geo. III. Chap. 23.

‡ 12 Geo. III. Chap. 20.

§ Viz. 15 Geo. III. Chap. 32.

T A B L E

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OF THE

STATUTES CITED as well as ABSTRACTED.

ANNE.			3 Geo. III. C. 22.	3
2 A	N. Chap. 6.	p. 28	4 Geo. III. C. 12.	11
	9 An. C. 10	.63	8 Geo. III. C. 15.	64
			11 Geo. III. C. 38.	28
			— C. 51	11
GEORGE I.			12 Geo. III. C. 72.	47
			16 Geo. III. C. 43.	91
4 Geo. I. C. 11.	64		17 Geo. III. C. 39.	37, 38, 39
6 Geo. I. C. 23.	ibid.		18 Geo. III. C. 14.	26
8 Geo. I. C. 18.	2		18 Geo III. 26.	34, 35, 36,
10 Geo. I. C. 10.	9			37, 39
12 Geo. I. C. 29.	15		— C. 50.	40, 42, 47
			— C. 42.	91
GEORGE II.			— C. 45.	11
			— C. 59.	18, 20, 22,
13 Geo. II. Chap. 17.	28			23, 24, 26
15 & 16 Geo. II. C. 25.	9		19 Geo. III. C. 12.	32
16 Geo. II. C. 15.	64		— C. 51.	50
19 Geo. II. C. 34.	10, 11		— C. 54.	91
26 Geo. II. C. 32.	10		— C. 56.	40
32 Geo. II. C. 18.	10		— C. 59.	34, 36,
			— C. 66.	29
GEORGE III.			— C. 69.	1
			— C. 70.	15
2 Geo. III. Chap. 15.	28		— C. 72.	18
— C. 20.	21, 22, 24,		— C. 75.	28
	26, 27			

A N

A B S T R A C T, &c.

19 G E O. III.

AN ACT FOR THE MORE EFFECTUALLY PREVENTING THE PERNICIOUS PRACTICES OF SMUGGLING IN THIS KINGDOM; AND FOR INDEMNIFYING PERSONS WHO HAVE BEEN GUILTY OF OFFENCES AGAINST THE LAWS OF THE CUSTOMS AND EXCISE, UPON THE TERMS THEREIN MENTIONED.

C H A P. LXIX.

IF, after August 1, 1779, any foreign spirituous liquors be imported from any part of Europe, in any vessel or cask containing less than sixty gallons, (excepting only for the use of the seamen not exceeding two gallons each), the same with ship and all her guns, furniture, ammunition, tackle, and apparel, shall be forfeited. Sect. 1.

If, after said August 1, tea, coffee, or foreign spirituous liquors, or goods liable to forfeiture, be found on board any ships coming

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ing from foreign parts, at anchor, or hovering in any port, or within two leagues thereof, or been discovered to have been in any port, contrary to Act of Parliament, ship, if under 200 tons burthen, with all her guns, &c. shall be forfeited. Sect. 2.

Statute * 8 Geo. I. chap. 18. and the several clauses, penalties †, forfeitures, and restrictions, therein contained, (not altered by this Act), so far as the same relate to boats, wherries, pinnaces, barges, or gallies, rowing, or built to row, with more than four oars, within the Counties and places in the said Act ‡ mentioned, shall extend to all boats, &c. or other vessels whatsoever, rowing, or built to row, with more than six oars, which shall be found, either upon the land or water, within any harbour, port or place whatsoever, in any other part of Great Britain, or within two leagues of the coast thereof, subject nevertheless to the several § exceptions relative thereto, in Statute 8 Geo. I. sect. 3.

Not to extend to the Commanders of his Majesty's ships or transport vessels, with respect to foreign spirituous liquors put on board

* This is the first instance that has occurred to us, of the Legislature's reciting an Act of Parliament, without mentioning either the Chapter or Title.

† Viz. of boats, &c. with all tackle and furniture, or value thereof; and owner, or person using or rowing same, to forfeit 40 l 8 Geo. I. chap. 18. sect. 3.

‡ Viz. within the Counties of Middlesex, Surry, Kent, or Essex, or on the river Thames, either above or below London Bridge, Sandwich or Ipswich. 8 Geo. I. chap. 18. sect. 3

§ Viz. barges or gallies belonging to his Majesty, or any of the Royal Family, or to any long-boat, yawl, or pinnace, belonging to, or used in the service of any merchant ship, or to any boat, &c. licensed by the Admiralty, upon sufficient security to his Majesty, by owner, as in 8 Geo. I. is directed; with condition, that same should not be used in clandestine running of prohibited goods. 8 Geo. I. chap. 18. sect. 4.

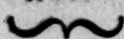
them, for allowance to the ships companies, or troops on board. Sect. 4.

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Nor to tow boats belonging to licensed pilots within the port and jurisdiction of Bristol. Sect. 5.

Ships, vessels, and boats, forfeited by this Act, may be seized by any Officer of the Customs or Excise, and condemned as directed by 3 Geo. III. chap. 22. and that when any forfeitable ship, &c. which, after condemnation, is liable to be destroyed, or used in his Majesty's service, shall be seized, and not thought fit for his Majesty's service, the Commissioners of Customs or Excise, after condemnation, shall direct the hull to be broken up, and the materials to be sold to the best advantage, and the produce thereof to be divided, as the tackle, furniture, and apparel, of ships, &c. burnt and destroyed; and no writ of delivery shall be granted out of the Exchequer for any ship, &c. so seized, and which may be burnt or destroyed, or used in his Majesty's service, and liable to be broken up, unless the Officer seizing the same, shall delay proceeding to the trial and condemnation thereof for three Terms; and then not without good security given, in double the value of such ship, &c. to return the same, upon condemnation, to be broken up, or used in his Majesty's service. Sect. 6.

Where the Officers of Customs or Excise shall discover and find on board ships coming from foreign parts, more than one hundred pounds weight of tea, not being in East-India ships, or more than one hundred gallons of foreign spirituous liquors, over and above two gallons for every seaman, in casks under sixty



gallons; the master, or other person having the charge of vessel, shall forfeit three hundred pounds; and any Officer of the Customs or Excise, and all other persons acting in their aid and assistance, may arrest the said master or other person, and carry him before any Justice, who shall oblige him to enter into a recognizance, in three hundred pounds, with condition to enter an appearance in the Courts of Exchequer in England and Scotland, within the first four days of the Term next ensuing such arrest, to any information exhibited against him; and such Justice shall forthwith transmit recognizance to the King's Remembrancer; and if such person shall refuse, the Justice shall commit him, until he enter into such recognizance. Sect. 7.

Any Officer of the Customs or Excise, and their assistants, shall arrest all persons found aiding or assisting in unshipping any tea, foreign spirits, or other merchandizes (customs and other duties not being first paid or secured), or prohibited to be imported, and shall forthwith carry them before a Justice, who may commit them, until next Quarter Sessions, to be tried as by Sect. 12. of this Act is directed. Sect. 8.

If two persons, or more in company, shall be found passing with horse or carriage, whereon shall be more than six pounds weight of tea, or five gallons of foreign spirituous liquors, not having paid the duties, and without permit; and shall carry offensive arms or weapons, or wear disguise, when passing with such tea, or spirits; any Officer of the Customs or Excise, and their assistants, may stop the person in whose possession the said tea, &c. shall

shall be found; and convey him before a Justice, who may commit him till next Quarter Sessions, to be tried as aforesaid. Sect. 9.

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If any person assault, resist, molest, or hinder, any Officer of Customs or Excise in seizing or securing any coffee, tea, cocoa-nuts, chocolate, foreign spirituous liquors, or other goods liable to be seized; or shall by violence rescue any of the said goods, after seizure, or endeavour so to do; or, shall any-wise destroy or damage any casks, vessels, boxes, or package, wherein the same shall be contained; the Officers and their assistants shall stop offenders, and carry them before a Justice, who may commit them until Quarter Sessions, to be tried as aforesaid. Sect. 10.

Officer who shall convey any offender before a Justice, shall, in case of commitment, enter into a recognizance before such Justice, in forty pounds, conditioned to appear at Sessions, and to prosecute; and Commissioners of Customs and Excise are to order charges of prosecution out of money in hands of their Receiver-general. Sect. 11.

Where any person shall be committed for any offence against this Act, the Justices at Sessions may determine offence; and if he shall be duly convicted, they may, in lieu of other punishment, commit him to hard labour in the House of Correction for three years, and not less than one. Sect. 12.

If any convict shall be approved of by any Officer of land forces or fleet, as able and proper to serve, Justices at Sessions, in lieu of every other punishment, may order offender to serve as a soldier or sailor, and cause him to be delivered over to Officer, he giving
a receipt

a receipt acknowledging what men are so delivered to him, and he may detain such man; and no person so delivered, shall be taken by any process, other than for some criminal matter. Sect. 13.

If Justices shall not be attended, at the time of convicting offender, by some proper Officer of land forces or fleet, they may adjourn to some other convenient day, and give such directions for securing offender, and cause notice to be given to Officer of the day and place of adjournment; who is to attend, or appoint some other person at adjournment, and to receive persons adjudged by them to be so delivered, in case Officer approve of such person as able and proper to serve. Sect. 14.

Justices may impose upon any gaoler, or keeper of House of Correction, suffering escape; or upon any Constable, parish or known * Officer, for every wilful default in execution of warrant, order, or precept, to them directed, a fine not exceeding ten pounds, and cause the same to be levied by distress and sale, rendering overplus (if any) to owners, and fine to informer. Sect. 15.


Justices, upon conviction and delivery of persons, Officer receiving them, shall cause the second and sixth sections of the Articles of War against Mutiny and Desertion to be read to the person, so to be delivered, in the presence of Justices; and they shall tender to him the oath mentioned in the third section of the Articles of War; and shall forthwith certify, that such person is adjudged to serve, setting forth his name, age, parish, and last place

* It is erroneously *Town* in Act.

of abode, if known, and that said second and sixth sections were read to him, and that he had taken said oath, or had refused to take the same; and Justices shall deliver such certificate, together with such man, to said Officers or persons appointed to receive them, and such man shall thereupon be deemed to be enlisted, and may be proceeded against, as if he had taken the said oath according to the said Articles of War; and the said Justices shall also forthwith cause an entry or memorial to be made, in a book to be kept by them, or by the Clerks of the Peace, of the names of the men so delivered, the ages, parishes, and places of their last abode, if they can be known, and of the time and place when and where such men were delivered to the said Officers or persons appointed to receive them, and the names of the Officers, &c. and for what regiment, company, or ship, they were so received; and shall cause true duplicates of such entries, attested by the said Justices or the Clerk of the Peace, within forty days after the delivering such men, to be transmitted into the Office of the Secretary at War, or of the Admiralty. Sect. 16.

No person, who shall be adjudged to serve, and been approved of, shall, during the term of five years, unless disabled by unavoidable accident or bodily infirmity, be discharged; and any Officer who shall presume, knowingly and wilfully, to discharge any person so raised and delivered over, or shall, by false muster or certificate, or in consideration of a gratuity of any kind, or by any other collusive or evasive ways or means whatsoever, suffer any such person to avoid actual service, shall be cashiered. Section 17.

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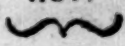
Every druggist, grocer, chandler, coffee-house keeper, chocolate-house keeper, and every seller of, or dealer in, coffee, tea, cocoa-nuts, or maker or seller of chocolate, shall cause to be painted or written, in large legible characters, over the door of his shop, coffee-house, or chocolate-house, or place used for keeping coffee, &c. as case may be, the words "*Dealer in Coffee, Tea, Cocoa-nuts, or Chocolate,*" upon pain of forfeiting two hundred pounds for every shop, &c. used by any druggist, &c. being a seller or dealer, without having the said words painted or written thereon. And that every importer for sale, or dealer in foreign brandy, arrack, rum, spirits, or other foreign strong waters, who shall sell the same, shall cause to be painted or written, in large legible characters, over the outer door, or in the front, or on some conspicuous part of his house, shop, warehouse, storehouse, cellar, vault, or other place used for the keeping of foreign spirituous liquors, "*Importer of, or Dealer in, foreign Spirituous Liquors,*" upon pain of forfeiting, for every shop, &c. used by any importer, seller, or dealer, without having the said words painted or written, fifty pounds. Sect. 18.

If any dealer in tea, &c. shall buy or procure, or employ any person to buy for him, or for his use, any tea, &c. of any other person than of a dealer in such commodities, over the door of whose shop, &c. shall be painted or written the words aforesaid, he shall forfeit one hundred pounds, besides all former penalties. And if any importer or dealer in foreign spirituous liquors shall buy or procure, or employ any person to buy for him,

or

or for his use, any foreign spirituous liquors of any other person, than of an importer or dealer, over the door of whose shop, &c. shall be written or painted as aforesaid, he shall forfeit one hundred pounds, besides all former penalties. Sect. 19.

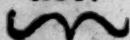
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No dealer in coffee, &c. shall be subject to the said penalties of one hundred pounds for any purchase or transfer of any tea, &c. whilst the same shall remain in the warehouse wherein the same shall be put, according to the directions of Stat. 10 Geo. 1. chap. 10. nor by reason of any purchase of any tea, &c. at any sale made by the direction of the East India Company, or of the Commissioners of Customs or Excise; or of any tea, coffee, or cocoa-nuts, sold for the benefit of the Insurers or proprietors thereof, and which may be sold free of Duty to defray the charges of salvage; nor by reason of any first purchase of any prize teas: Nor shall any such dealer in foreign spirituous liquors be subject to the said penalty of one hundred pounds by reason of the purchase thereof, whilst the same remain on board the ships in which the same were lawfully imported, or in the quays upon which they shall have been lawfully landed; nor of any rum whilst the same remains in any warehouse wherein the same shall have been put, according to the directions of Stat. 15 and 16 Geo. II. chap. 25. nor to the purchase of any arrack whilst the same remains in the warehouses of the East India Company, nor of any prize foreign spirituous liquors; nor of any foreign spirituous liquors sold for the benefit of the Insurers or

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proprietors thereof, and which may be sold free of duty to defray the charges of salvage. Sect. 20.

If any person, other than such as shall have duly made entry, at the proper offices of Excise, of the places by them used for keeping of coffee, &c. or for the keeping of foreign spirituous liquors, shall cause to be painted or written, over their doors, the words above set forth, offender shall forfeit fifty pounds, and also be subject to the several penalties and forfeitures to which persons selling of, or dealing in, coffee. &c. or foreign spirituous liquors, without entry, are subject unto. Sect. 21.

If any person whatsoever, not being such importer or dealer as aforesaid, shall buy or procure, or employ any other to buy for him any tea, &c. or foreign spirituous liquors, (save and except as herein before excepted) of any other person than over whose house or shop-door, &c. such words shall be painted or written as aforesaid; such person shall forfeit ten pounds; and if the person who shall have sold any tea, &c. to any dealer therein, or to any other person, contrary to this Act, shall, within twenty days next after such sale, and before any information lodged, discover and inform against the person who bought, or who procured or employed any other to buy for him such tea, &c. he shall thereupon be discharged and indemnified from all penalties. Sect. 22.

All matters required by Stat. 19 Geo. II. chap 34, relative to punishing offenders are hereby declared to be continued by Stat. 26 Geo. II. chap. 32. 32 Geo. II. chap 18.
4 Geo.

4 Geo. III. chap 12. 11 Geo. III. chap 51.
18 Geo. III. chap. 45. and may be done, in
regard to every present and future offender
against Stat. 19 Geo. II. Sect 23.

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All foreign thread lace imported into this kingdom, shall, after entered at the Custom-House, and before discharged and delivered to the importer, or his agent, be marked at each end, as Commissioners of Customs shall direct. Sect 24.

If any person, having for sale any foreign thread lace so directed to be marked, shall, on or before the first day of February, one thousand seven hundred and eighty, cause such lace to be brought to the Custom-House, and shall make proof on oath before the Collector and Comptroller, or other principal officer, that the duties were paid upon the importation of such lace, or that such lace was purchased by possessor thereof, in fair trade, and that he verily believes the duties have been paid, mentioning the time when, and the port where, such lace was imported, or the time when, and of whom, same was purchased, such lace shall be thereupon, without fee or reward, marked. Sect. 25.

Every person intending to export foreign thread lace marked, shall, before shipped to be exported, give notice to the proper officer, when and where he will pack up the same; and Commissioners of Customs are to cause officer to take care that such marks or seals be taken off from every piece so intended to be exported, without fee or reward; and no person shall be intitled to the drawback allowed upon the exportation of such lace, unless he

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shall have given such notice, and until such marks shall be taken off. Sect. 26.

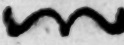
After the first day of February, one thousand seven hundred and eighty, in case any foreign thread lace shall be found in any shop, warehouse, or other place whatsoever, upon land, within this kingdom, not being marked upon both ends of every whole and entire piece, or upon one end of every remnant of such lace, same shall be forfeited, and may be seized by any Officer of the Customs, and disposed of as foreign thread lace, run into this kingdom. Sect. 27.

If any person shall forge any mark, or the impression thereof, or sell, or expose to sale, or knowingly have any foreign thread lace with a counterfeit mark; he and his aiders, abettors, and assistants, shall forfeit one hundred pounds, one moiety to his Majesty, and the other to such Officer of the Customs as shall sue for the same; and offenders shall also stand in the pillory for two hours. Sect. 28.

Every person who, before the first day of June, one thousand seven hundred and seventy-nine, shall have been guilty of any act whatsoever, whereby persons may be deemed runners of foreign goods; or of opposing, obstructing, wounding, or beating, any Officer of the Customs or Excise, in the execution of his duty, or of aiding or assisting therein; are indemnified, and discharged from all offences, concerning which no prosecution shall have been commenced, or composition made or offered, before the said first day of June; provided that he do, before he shall be arrested for the same, and before the twenty-ninth day

day of September next, inlist or enter himself with some Commission Officer of Land Forces or Fleet, to serve as a Soldier or Sailor, and do, for three years at least, from the time of such inlisting or entry, actually serve and do duty as such; and shall also, before the said twenty-ninth day of September, register his name, employment, and usual place of abode, with the Clerk of the Peace, and sign such register; for which there shall be paid the Clerk of the Peace one shilling, who shall, immediately after the said twenty-ninth day of September, transmit to the Commissioners of the Customs and Excise, an exact account of all the persons who have entitled themselves to claim the benefit of this Act. Sect. 29.

SMUG-
GLERS
ACT.



Every person who shall claim the benefit of this Act, and shall afterwards be guilty of any offence against the Laws of Customs or Excise, or shall desert from the said service, or, within the said term of three years, procure his discharge, shall be liable to be prosecuted, not only for new offence, but also for all the penalties, pains, and forfeitures, as he would, in case this indemnity had never been given. Sect. 30.

If any Officer of Land Forces or Navy shall, by false muster or certificate, or by any other collusive or evasive means whatsoever, suffer such person to avoid the actual service, he shall not only lose the benefit of this Act, but Officer shall forfeit five hundred pounds. Sect. 31.

In case any Officer of the Customs or Excise shall not use his best endeavours to seize any Tea, &c. liable to forfeiture, or to stop, and carry before a Justice, any person, upon complaint,

plaint, within three * months after default, Justice may examine into the truth thereof upon oath; and if it shall appear to him that there is a reasonable ground for complaint, then he is to transmit same together with the examinations unto the Commissioners of the Customs, or of the Excise, who are to make enquiry into the truth of the said complaint, and may dismiss the Officer: but no person shall be compelled to travel above five miles to be examined. Sect. 32.

No person who shall be prosecuted or punished by this Act, shall be liable for the same offence by any other. Sect. 33.

All fines, penalties, and forfeitures, shall be levied, or mitigated, as any fine may be by Laws of Excise, or by action of debt, or information, in any Court of Record at Westminster, or the Exchequer in Scotland; and one moiety shall be to the King, and the other to Informer. Sect. 34.

If any person shall be sued, action shall be commenced within three * months after offence, and he may plead the general issue, and give this Act and the special matter in evidence: and if it shall appear to have been done by virtue of this Act, then the Jury shall find for the defendant; and if the plaintiff be nonsuited, or discontinue his action, after defendant's appearance; or if judgement shall be given against the plaintiff, defendant shall recover treble costs, and have the like remedy for the same, as defendants have in other cases. Sect. 35.

* The word "*Month*," in an Act of Parliament, means *lunar*, not *calenar* months. By Lord Chancellor Hardwicke. 3 Tr. Aik. Rep. 346.

19. G E O. III.

AN * ACT FOR EXTENDING THE PROVISIONS
OF AN ACT, MADE IN THE TWELFTH YEAR
OF THE REIGN OF KING GEORGE THE
FIRST, INTITULED, "AN ACT TO PRE-
VENT FRIVOLOUS AND VEXATIOUS AR-
RESTS;" AND FOR OTHER PURPOSES.

ARREST
ACT.

C H A P. LXX.

NO person shall be arrested or held to
special bail, upon any process of any
inferior Court, where the cause of action shall
not amount to ten pounds, or upwards; but
the like copies of process † shall be served,
and the like proceedings had, as directed by
Stat. 12 Geo. I. chap 29. where cause of action
shall not amount to forty shillings. Sect. 1.

In all cases in inferior Courts (having jurisdic-
tion to ten pounds or upwards) where the
cause of action shall amount to ten pounds, or
upwards, the like affidavit shall be made and
filed, and like proceedings had, as directed by
Stat. 12 Geo. I. chap. 29. where the cause of
action amounts to forty shillings, or upwards,
in inferior Courts. Sect. 2.

So much of Acts of Parliament as give cer-
tain districts and jurisdictions power to recover
debts by arresting and imprisoning defendants,
where cause of action is less than ten pounds,
repealed. Sect. 3.

In all cases where final judgment shall be

* The Public are indebted to Lord Beauchamp for this hu-
mane law. See Preface.

† For service of which process, two shillings and sixpence
shall be allowed. Ark. Rep. 346.

ARREST
ACT.

obtained in inferior Court of Record, or of Courts of Record at Westminster, upon * affidavit made and filed therein of such judgment, and of diligent search and enquiry having been made after defendants, or their effects, and of execution having issued against either of them, and that neither are to be found within the jurisdiction of inferior Court; superior Court may cause record of judgment to be removed into superior Court, and † may issue writs of execution to the Sheriff against defendants, or their effects, as upon judgments in Courts at Westminster; and Sheriff shall detain defendants, until twenty shillings be paid him; or he may levy the same out of the effects, according to the nature of the execution, for extraordinary costs of plaintiff in inferior Courts, subsequent to judgment and execution in superior Court, over and above the money for which execution issued. Sect. 4.

No execution shall be delayed by writ of error, or *Supersedeas* thereon, for reversing judgment in inferior Court of Record, where the damages are under ten pounds, unless person, in whose name error shall be brought, with two sufficient sureties, to be allowed of by Court wherein judgment is given, shall first, before stay or *Supersedeas*, be bound unto the party for whom judgment is given, by recognizance, to be acknowledged in the Court, in double the sum adjudged to be recovered, to prosecute error with effect, and also to pay (if the judgment affirmed, or error non pros'd)

* Which may be made before a Judge or Commissioner. Atk. Rep. 346.

† The word "*and*" is omitted in the Act, but seems necessary in order to make sense of the sentence.

debt, damages, and costs, and for delaying execution.

ARREST
ACT.

Where cause of action shall not amount to ten pounds, or upwards, cause shall not be removed or removeable into superior Court, by Habeas Corpus, or otherwise, unless defendant, removing such cause, shall enter into the like recognizance for payment of debt and costs, in case judgment pass against him.

D

AN

19 G E O. III.

AN ACT TO EXPLAIN, AMEND, AND RENDER MORE EFFECTUAL, THE SEVERAL LAWS NOW IN BEING RELATIVE TO THE MILITIA FORCES OF THIS KINGDOM; AND FOR MAKING CERTAIN PROVISIONS RELATIVE TO THE FENCIBLE MEN IN THAT PART OF GREAT BRITAIN CALLED SCOTLAND.

C H A P. LXXII.

MILITIA
ACT.

SO much of Stat. 18 Geo. III. Chap. 59. as relates to the relief to be given to the families of substitutes serving in the Militia, is repealed. Sect. 1.

In case any substitute, whose family may become chargeable to his parish, shall not serve for the parish where his family shall dwell, Justice, who makes order for relief, may direct the Overseers of the parish for which he shall serve, to reimburse the money paid to them, if parish be situated within same County; and if not, other Justice shall cause same to be reimbursed as after mentioned. Sect. 2.

Allowance shall not occasion family to be removeable, or compelled to be sent to any workhouse or poor-house; nor shall substitute be deprived of his legal settlement elsewhere, nor of his right of voting for Members of Parliament. Sect. 3.

In case the substitute, whose family shall be relieved, shall serve for any parish situate in another County, the monies advanced by the
Overseers,

Overseers, where the family shall dwell, shall be repaid them out of the County stock by the Treasurer of the County to which the parish shall belong, on producing a certificate of the order of the Justice, allowing such relief; and the Treasurer who shall so repay such Overseer, shall transmit such certificate, and also an account of all monies so repaid by him quarterly, to the Treasurer of the place in the Militia whereof substitute shall serve; and the Treasurer to whom the same shall have been so transmitted, shall forthwith reimburse the same to the Treasurer, from whom the said account was received; which shall be laid before the Justices at their next Quarter Session, for their allowance thereof; and they shall allow the same, and forthwith make an order for the Overseers of the poor of the place for which substitute shall serve, to make good the same to the Treasurer of the County, out of the poor rates; and all such payments shall be passed in account, as other expences of the militia. Sect. 4.

In all places having peculiar jurisdictions, and not contributing to the County, such account shall be made over to the public officer belonging thereto, to be by him allowed. Sect. 5.

Lieutenants of Counties may appoint Captain-Lieutenants to all regiments or battalions of militia, to which such appointment hath not been already made; and all Captain-Lieutenants shall rank with the Officers of other forces of equal degree, as youngest of their rank.

All persons to be appointed Captain-Lieutenants, shall have the same qualifications, as

MILITIA
ACT.

persons serving as Captains ; but it shall not be necessary for any person, having acted as Captain-Lieutenant before the first day of July last, to hold any other qualification than as a Lieutenant. Sect. 6.

In case any Officer not having delivered in his said qualification, agreeable to Stat. 18 Geo. III. chap. 59. shall not be subject to any of the penalties thereof ; and all acts done by them shall be valid. Sect. 7.

Not to extend to prevent Officers, who shall not deliver in their qualifications on or before the first day of December next, according to said Act of 18 Geo. III. from being liable to the penalties thereof. Sect. 8.

Every Officer holding, or accepting a commission as Colonel, Lieutenant-Colonel, Major, or Captain, in the militia, shall, on or before the first day of December next, or within six months after having accepted any such commission, transmit to the Clerk of the Peace of the County in the militia whereof such Officer shall serve, a true description of his qualification for holding such commission, and also a certificate of his having taken the oaths required ; and the Clerk of the Peace shall forthwith enter and enroll the same, and transmit to the Lieutenant of the said County, a true copy of every such list and certificate ; and the Lieutenant shall, (unless just cause be shewn to the contrary within the time by this Act limited) on receipt thereof, give notice to the Officer who shall not have been certified by the Clerk of the Peace to have entered his qualification, that he shall proceed to the appointment of other fit persons to serve in the militia, if proper persons
duly

duly qualified shall offer themselves for such service, in the room of such Officer; and such Lieutenant shall declare, in the Gazette, within six weeks, the commission of such Officer to be vacant, and shall proceed to new appointment: And the Lieutenants shall cause to be inserted in the Gazette, the dates of the commission, and names and rank of the Officers, together with the names of the Officer in whose stead they are so commissioned, as commissions in the army are published from the War-Office: And Clerk of the Peace shall, on or before the first day of December in every year, transmit to Secretary of State, that they may be laid before Parliament, a true copy of all entries; and also an account of all returns, together with the dates; and Clerk of the Peace being guilty of any neglect herein, shall be liable to the penalties imposed on them by the Militia laws. Sect. 9.

In case any person shall take of any man ballotted to serve in militia, or of person employed by him, money for serving as substitute, in the room of ballotted man, and shall not appear to be sworn, according to Stat. 2 Geo. III. chap. 20. he shall not only return the money, but shall forfeit twenty shillings to ballotted man, or the poor, at decision of Justices or Lieutenants; and in default of payment, be committed to the House of Correction for fourteen days. Sect. 10.

Commanding Officer of each Company, to lay out, in manner most advantageous for the militia man, one guinea, which, by Stat. 2 Geo. III. chap. 20. is directed to be paid to all militia men, when the corps is ordered to be embodied, and march out of the County,
and

**MILITIA
ACT.**

and to every recruit who shall afterwards join the corps, giving an account, within three * months, or as soon as desired, to the militia man so intitled, how such money has been expended. Sect. 11.

Proceedings of Deputy Lieutenants, Chief Magistrates, and Justices, in choosing by lot, and swearing in militia men and substitutes, previous to the time they ought, by the militia laws, are declared valid, and they indemnified. Sect 12.

In case any Church-warden or Overseer shall not pay to person chosen by lot, in pursuance of said Stat. 2 Geo. III. chap. 20. and 18 Geo. III. chap. 59. who shall have been sworn and inrolled, or have provided a fit substitute, sworn and inrolled, within one * month, not exceeding five pounds, as two Deputy Lieutenants, or one Deputy Lieutenant and one Justice, shall adjudge to be as near as may be one half of the current price then paid for a volunteer in the place where such person shall be so chosen; upon his producing to Churchwarden or Overseer an order of two Deputy Lieutenants, &c. of place where militia shall be embodied, and in actual service, Churchwarden, &c. shall forfeit ten pounds, to be levied by distress and sale, by warrant, rendering the overplus, (if any) on demand, after deducting the charges, to Churchwarden, &c. and one half shall be paid to person chosen by lot, in lieu of the sum ordered to be paid to him, and the other half to Clerk of the regiment or battalion, for the common stock. Sect. 13.

* See note * page 14.

So much of Stat. 18 Geo. III. chap. 59. as relates to the half-pay of Lieutenants and Ensigns in militia, and the oath therein directed to be taken by them, is repealed. Sect. 14.

No person intitled to half-pay shall forfeit same, during the time he shall serve Lieutenant, Ensign, Adjutant, Quarter-master, or Surgeon, in militia; and Officer shall take the following oath :

*I A. B. do swear, That I had not, between the
any
place or employment of profit, civil or military,
under His Majesty, besides my allowance of half-
pay, as a reduced in late
regiment of (or allowance as
in late troop of Horse Guards,
or regiment of Horse reduced)
save and except my pay as Lieutenant, Ensign,
Adjutant, Quarter-master, or Surgeon, (as the
case may be) for serving in a regiment of mi-
litia.*

And taking thereof shall intitle person to receive his half-pay, or allowance. Sect. 15.

No person shall forfeit his half-pay, while he shall serve as a Lieutenant, &c. in regiment of Fencible Men; and such Officer shall take the following oath :

*I A. B. do swear, that I had not, between the
any
place or employment of profit, civil or military,
under his Majesty, besides my allowance of half-pay,
as a reduced in
late regiment of (or allow-
ance as in late troop
of*

MILITIA
ACT.

*of Horse Guards, or regiment of
Horse reduced) save and except my pay as a
Lieutenant, Ensign, Adjutant, Quarter-master,
or Surgeon, (as the case may be) for serving
in a regiment of Fencible Men.*

And taking thereof shall intitle person to receive his half-pay, or allowance. Sect. 16.

Serjeants on the establishment of Chelsea Hospital, at twelve-pence a-day, being appointed to serve in corps of Fencible Men, may receive the allowance, together with his pay. Sect. 17.

Clerk of the Subdivision meetings shall, after any hath been appointed, give reasonable notice of the time and place to every Deputy Lieutenant and Justice resident within Subdivision; and also to the Commanding Officer of the regiment, if on actual service, or if not, to the Colonel thereof, an account of the days fixed for receiving lists, balloting and swearing-in men; and shall, as soon as the men are sworn-in, likewise transmit to the Commanding Officer or Colonel, a list, specifying their names, trades, and usual places of abode, and, if substitutes, the names, &c. of the principals. Sect. 18.

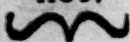
In all cases where ballots are directed to be taken by any militia law, every person chosen pursuant thereto, at any Subdivision meeting thereby appointed, shall be enrolled, and every substitute shall subscribe his consent to, and shall serve for three years, and be liable to all the penalties in 2 Geo. III. chap. 20. or any other Militia Act. Sect. 19.

All power given by Stat. 18 Geo. III. chap. 59. to the Commanding Officers, Deputy Lieutenants,

tenants, Justices, and others, with respect to the balloting for proper men to serve in the militia, in lieu of others, four * months previous to the expiration of their time, when embodied, and at a distance from home, are continued to the Commanding Officers, &c. to ballot for such other men, at any time within four months previous to the expiration of their time, when the corps be within the County to which it belongs or not; and the Commanding Officer may discharge such number of men, whose times of service are within the time of the expiration, and to receive such other men, in lieu thereof, as shall be so ballotted, or inrolled, and sworn in as ballotted men or substitutes, at any time within the term so allowed, whether the regiment be within the County, or absent from home; and the time of the service of such men, shall commence at any time within the term allowed, or at the end thereof. Sect. 20.

Whenever any person drawn by ballot to serve in militia, shall neglect to appear to be sworn-in, or to find a substitute, or to pay ten pounds, or shall not have sufficient effects whereon to levy the same by distress and sale, and be afterwards apprehended, by warrant from any Deputy Lieutenant or Justice of the Peace, instead of being punished by commitment to the House of Correction, his name shall be entered on the rolls, and he shall be delivered over to some proper Officer of the regiment or company for which he was drawn, and be compelled to serve for three years from time of his apprehension, and be liable to the same

* See note * page 14.



punishments for afterwards deserting, as if he had originally attended, and been duly sworn and enrolled. Sect. 21.

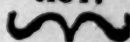
Deputy Lieutenants and Justices shall, when a regular discharge of any militia man shall be produced, which renders him unfit for service, proceed to confirm the same, and to cause the lists to be amended, and other persons to be chosen, as by Stat. 2 Geo. III. chap. 20, or other militia law directs. Sect 22.

So much of Stat. 18 Geo. III. chap. 14, as relates to the powers granted to Deputy-Lieutenants and Justices, and to Colonels and Commanders, to discharge militia men, and order fresh ballots, before the expiration of the term for which they were to serve, is repealed. Sect. 23.

From and after the last Tuesday in October next, Lord Lieutenant, or on his death, removal, or absence, any three or more Deputy-Lieutenants of the County of Sussex, shall and may issue out orders to the Chief Constable of the several Hundreds in the Rapes in the said County where their Subdivisions be appointed, directing such Chief Constables to issue their precepts to the Churchwardens or Overseers, to return to the Deputy-Lieutenants within their Subdivisions, at the place and on the days by them directed, fair and true lists in writing of the names of all the men usually dwelling within their respective parishes, between the ages of eighteen and forty-five, distinguishing their ranks and occupations, and for the purposes directed to be done by the Parish Officers, in Statute 2 Geo. III. chap. 20. And Churchwardens and Overseers to whom orders shall be issued, shall, for the purposes of the
Militia

Militia Acts, be deemed Parish Officers, and invested with all the powers and authorities, and liable to the several pains, penalties, and forfeitures, other Parish Officers are, for not returning lists, or being guilty of fraud or wilful partiality in making thereof, or not attending the orders issued by Lord-Lieutenant, or three Deputy-Lieutenants, or for the several other offences in Stat. 2 Geo. III. chap. 20. or in this Act contained.

MILITIA
ACT.



19 G E O. III.

AN ACT FOR REMOVING CERTAIN DIFFICULTIES WITH RESPECT TO THE MORE SPEEDY AND EFFECTUAL MANNING OF HIS MAJESTY'S NAVY, FOR A LIMITED TIME.

C H A P. LXXV.

IMPRESS
ACT.

SO much of 2 Ann. chap. 6. as grants protection to any person from being impressed, or permitted to enter into sea-service; and also 13 Geo. II. chap. 17; and also so much of 2 Geo. III. chap. 15. as grants any protection to the persons therein described from being impressed; and also so much of 11 Geo. III. chap. 38. as grants the like protection to the persons therein described, are declared of no force, for five calendar * months, from sixteenth day of June last past. Sect. 1.

The exception in Sect. 2, of this Act, in favour of persons serving on board ships and vessels employed in Coal Trade, being expired, they being liable to be impressed only for one month, from 16 June last, the same is therefore omitted.

No person shall be sued for pressing. Sect. 3.

* Had not the Act expressly said *Calendar*, the law would have construed them lunar months. See Note * page 14.

19 G E O. III.

AN ACT FOR GRANTING TO HIS MAJESTY
SEVERAL ADDITIONAL DUTIES ON STAMP-
ED VELLUM, PARCHMENT, AND PAPER;
AND FOR BETTER SECURING THE STAMP-
DUTIES UPON INDENTURES, LEASES,
DEEDS, AND OTHER INSTRUMENTS,

C H A P. LXVI.

UPON every Probate of Will, or Letters
of Administration for estate of, or above
one hundred pounds value, an additional
stamp-duty of twenty shillings; and a further
additional stamp-duty of twenty shillings where
the estate is of, or above three hundred
pounds value per skin of parchment, or sheet
of paper.

STAMP
ACT.


Upon every copy of Will, an additional
stamp-duty of one penny per skin of parch-
ment, or sheet of paper.

Upon every Libel, Allegation, Deposition,
or Inventory, exhibited in any Ecclesiastical
Court, the Courts of Admiralty, and Cinque
Ports, and all copies thereof, an additional
stamp-duty of sixpence per skin, or sheet.

Upon every Writ of Covenant for levying
fines, an additional stamp-duty of five shillings
per skin.

Upon every Writ of Entry for suffering a
common recovery, an additional stamp-duty of
five shillings per skin.

Upon every Exemplification, of what na-
ture soever, that shall pass the seal of any
Court

STAMP
ACT.



Court whatsoever, an additional stamp-duty of five shillings per skin. Sect. 1.

Upon every Presentation or Donation which shall pass the Great Seal, and upon every Collation to be made by any Archbishop or Bishop, or by any patron whatsoever, of or to any benefice, dignity, or spiritual or ecclesiastical promotion whatsoever, an additional stamp-duty of forty shillings per skin of parchment, or sheet of paper; the same being of the yearly value of ten pounds, or above, in the King's books.

Upon every dispensation to hold two ecclesiastical dignities or benefices, or both a dignity and a benefice, or any other dispensation or faculty from the Lord Archbishop of Canterbury, or the Master of Faculties, an additional stamp-duty of forty shillings per skin of parchment, or sheet of paper.

Upon certificate or debenture for drawing back any customs or duties, or any part of them, for reshipping or exporting goods or merchandizes, exported or shipped to be exported from Great Britain, for any parts beyond the seas, an additional stamp-duty of eight-pence per skin, or sheet.

Upon Note or Bill of Lading, for any goods or merchandizes to be exported, an additional stamp-duty of four-pence per skin, or sheet. Sect. 2.

Not to extend to charge the Probate of any Will, or Letters of Administration, of Seaman or Soldier, certificate being produced from his Captain at the time of his death, of his being slain or dying in service, and oath made of the truth thereof, before Judge or Officer, by whom Probate or Administration ought to be granted,

granted, which oath is to be administered gratis.
Sect. 3.

STAMP
ACT.

Additional duties to be under the management of the Commissioners of the Stamp-duties, who are to employ the necessary officers under them, and to provide stamps to denote the several duties, and to do all other things necessary for putting this Act in execution. Sect. 4.

The Commissioners may cause one new stamp to be provided to denote the several duties, and the additional duty on every piece of vellum or parchment, or sheet or piece of paper, charged therewith. Sect. 5.

All vellum, parchment, and paper, liable to the duties, shall, before used, be brought to the Office; and the Commissioners shall stamp any quantities of vellum, &c. the person bringing them paying to the Receiver-General of the Stamp-duties, his deputy or clerk, the several duties payable for the same. Sect. 6.

Same allowance on present payment, as by former Stamp Acts. Sect. 7.

Stamps may be altered and renewed as any other stamps by any former law, and all persons who have vellum, &c. marked with the altered or renewed stamp, or denoting any former duty, a new stamp shall be impressed thereon; and the possessors shall have the like remedy and allowance as by any former law. Sect. 8.

If any person shall forge, or procure to be forged, any stamp, or resemble the impression of the same, with intent to defraud the King of any of the duties; or shall privately or fraudulently use any stamp, or mark, with such intent,

STAMP
ACT.

intent, he shall suffer death, without benefit of clergy. Sect. 9.

All matters and things, by any former Act of Parliament, relating to the stamp-duties, shall be applied for raising the additional duties. Sect. 10.

The several additional duties shall be paid into the hands of the said Receiver-General, who shall keep a distinct account of them, and pay the same (the necessary charges being deducted) into the receipt of the Exchequer, as former duties. Sect. 11.

There shall be provided, in the office of the Auditor of the said receipt, a book, in which all the monies arising from the several rates and duties, and paid into the receipt, shall be entered separate and apart from all other monies; and the said money shall, together with such other stamp duties, granted by any Act of this Session of Parliament, be a fund for payment of the several annuities, and all other expences payable by Stat. 19 Geo. III. chap. 12. Sect. 12.

All Attornies, Solicitors, or other persons, shall make their several charges for drawing * and engrossing skins of parchment, in Conveyancing, at the known and usual rates, upon their client, by the number of skins they shall so ingross or write, and not otherwise; and every skin shall contain twelve Chancery sheets, each of which shall contain ninety words, or fifteen Common Law sheets, and each of them seventy-two words †; and that if any Attor-

* *Preamble to this Section of the Act.*

† And this hath been held a fair and reasonable quantity to be written upon each skin; and the same charge for drawing and engrossing the same, might, upon costs to be taxed, be fairly and equitably allowed. *Preamble to this Section of the Act.*

ney, &c. shall, for the writing or ingrossing one skin of parchment only, charge any client for double or treble skins, or for more than one skin, making his charge by the sheet, or in any other manner than by the skin, under pretence of having inserted in such one skin of parchment a greater number of sheets than what they are obliged to do, or than what is usually done, under any pretence whatsoever, nor shall such charge be payable by the client; and every Attorney, &c. shall, for every such charge so made or demanded, forfeit the sum of ten pounds, with treble costs of suit, to any informer, in any Court of Record, by action of debt, bill, plaint, or information, wherein no effoin, protection, or wager of law, shall be allowed. Sect. 13.

Not to extend to deeds not amounting to number of sheets to be contained in two skins. Sect 14.

If any person be sued for any thing done in pursuance of this Act, he may plead the general issue, and give the special matter in evidence; and if upon the trial a verdict shall pass for defendant, or plaintiff become nonsuited, then defendant shall have treble costs. Sect. 15.

19 G E O. III.

AN ACT FOR REPEALING THE DUTIES ON ALL INHABITED HOUSES, IMPOSED BY AN ACT MADE IN THE LAST SESSION OF PARLIAMENT, AND FOR GRANTING TO HIS MAJESTY OTHER DUTIES UPON ALL INHABITED HOUSES IN GREAT BRITAIN, AND FOR AMENDING THE SAID ACT; AND ALSO FOR AMENDING SO MUCH OF AN ACT, MADE IN THE SEVENTEENTH YEAR OF THE REIGN OF HIS PRESENT MAJESTY, AS IMPOSES A DUTY UPON ALL SERVANTS RETAINED OR EMPLOYED IN THE SEVERAL CAPACITIES THEREIN MENTIONED,

C H A P. LIX.

HOUSE
TAX ACT.

THE rates and duties granted by Stat. 18. Geo. III. chap. 26. are no longer payable, except monies due in respect of them, assessed on or before fifth July last, and in arrear and unpaid. Sect. 1.

After said fifth of July, occupiers * of inhabited houses shall pay for same, together with the offices, courts, yards, and gardens, therewith occupied, worth the yearly rent of five pounds and upwards, and under twenty, the yearly sum of sixpence in the pound; and for every dwelling-house inhabited, together with the offices, &c. therewith occupied, worth the yearly rent of twenty pounds and upwards, and under forty, the yearly sum of

* Where houses are divided into different stories, and lett in different apartments, the landlords or owners shall be deemed the occupiers. 19 Geo. III. chap. 59. sect. 12.

nine-pence in the pound; and for every dwelling-house inhabited, together with the offices, &c. therewith occupied, worth the yearly rent of forty pounds and upwards, the yearly sum of one shilling in the pound. Sect. 2.

In all places where the assessments were made for three quarters of a year, by 18 Geo. III. chap. 26. a further assessment shall be made for one quarter; and if any rate or assessment, at sixpence in the pound, on the value of any house and household offices, worth the yearly sum of twenty pounds and upwards, be made, for any time, after fifth July last, the same shall be void. Sect. 3.

Assessments shall be made out for present duties, from fifth July last, to sixth April next, which shall be certified by the Assessors, and returned to Commissioners, on or before the tenth September next; and Surveyors may, on or before sixteenth November next, certify their surcharges to Commissioners; and all appeals may be heard and determined between tenth December and fourth January next. And after fifth day of April next, duties shall be assessed annually for one whole year, to commence from fifth April in every year; and in all future years the assessments shall be made out, the surcharges certified, and the appeals heard, at the same times as the assessments, &c. are made out, &c. on duties on houses and windows. Sect. 4.

Every coach-house, stable, brew-house, wash-house, laundry, wood-house, bake-house, dairy, and other offices; and all yards, courts, curtilages, and gardens, not exceeding one acre, belonging to, and occupied with, any

dwelling-house chargeable, shall be valued together with such dwelling-house, and be liable to be charged and assessed with these duties. Sect. 5.

In case the Commissioners shall neglect to appoint Assessors, or in case the Assessors shall neglect to perform what is required of them, by 18 Geo. III. c. 26. or 19 Geo. III. c. 59. Surveyor may perform the services required. Sect. 6.

So much of Stat. 18 Geo. III. chap. 26. as empowers the Commissioners to alter the assessments, before they have allowed the same, repealed. Sect. 7.

After fifth July next, no assessments shall be altered before time for hearing and determining appeals, and then only upon the Commissioners hearing appeal particularly relating thereto, upon general appeal day. Sect. 8.

All shops and warehouses attached to dwelling-house, or have any communication therewith, (except warehouses and buildings near adjoining to wharfs, occupied by wharfingers, having dwelling-houses thereon, who are for themselves or servants rateable for them only), shall be charged with the rates and duties granted by this Act, together with the dwelling-house, and the household and other offices thereto belonging. Sect. 9.

No warehouse, distinct and separate, and not part of dwelling-house or shop, but solely for lodging goods, wares, and merchandize, or for carrying on some manufacture, (although adjoining to, or having an internal communication with dwelling-house), shall be charged. Sect. 10.

All houses of the annual value of five pounds

pounds and upwards, inhabited * by any person whatsoever, shall be subject to the duty, except expressly excepted by Stat. 18 Geo. III. chap. 26. Sect. 11.

Every Hall and Office whatsoever, chargeable with taxes or parish rates, shall be subject to the duties charged on inhabited houses; and the person, or bodies politick or corporate, to whom they belong, shall be assessed as the occupiers thereof. Sect. 13.

No person shall presume to act as a Commissioner in the execution of 18 Geo. III. chap. 26. or of this present Act, or of such part of the before recited Act of 17 Geo. III. chap. 39. until he hath taken (besides the oaths now to be taken) the oath (or made his solemn affirmation) as follows :

So help me GOD.—Sect. 14.

I A. B. do swear (or affirm, as the case may require) That I will truly and faithfully execute the office of a Commissioner, and will determine upon all appeals which shall be brought before me, according to the best of my skill and judgment, pursuant to the Acts of Parliament in that behalf.

No person shall be capable of acting as a Commissioner in London and Liberty of St. Martin le Grand, nor in Westminster, unless he be possessed of real, or personal estate, to two thousand pounds value, at least, after payment of debts; of which qualification he shall take the following oath, previous to acting, or subscribe his solemn Affirmation.

I A. B. do swear, (or affirm, as the case may require) That I truly and bona fide have

* No house to be deemed inhabited, in which only one person resides, to take care thereof. Id. ib.

HOUSE
TAX ACT.

such an estate, consisting (specifying the same) of the clear value of two thousand pounds, over and above what will satisfy and discharge all my debts.

So help me G O D.—Sect 15.

If any person shall presume to act before he shall have taken oath, or made affirmation, he shall forfeit two hundred pounds; one moiety thereof to the King, and the other to informer. Sect. 16.

No assessment or surcharge made by virtue of Stat. 17 Geo. III. chap. 39. or this Act, shall be affected for any mistake or variance in the christian or surname, of any servant, or in the description of their employments; provided the person intended to be described shall be a servant, in respect of whom the master or mistress ought to be assessed. Sect. 17.

And whereas, by 17 Geo. III. chap. 39. notice is taken, that many masters and mistresses have, or may have, different places of residence, or may have servants, in respect of whom such masters or mistresses may be liable to be rated or assessed, residing in different places, and relief is therein provided to prevent such masters and mistresses from being assessed in more places than one for their servants, which has been found to be attended with considerable difficulties; every master therefore, or mistress, when called upon by the Assessors for lists of servants, in each parish or district where he or she resides, shall at the same time return a list, or make a declaration, signed, of the number of servants they mean to pay for, at every other place, specifying the particular parish

parish wherein he or she means to pay for such other servants; and the Assessors shall enter the same at the end of their several assessments, and deliver them to the Surveyor, that he may transmit the particulars thereof to the Commissioners; and on failure, the Assessors or Surveyor shall surcharge such master or mistress for every servant retained, within the parish for which the assessment is made, during the year ending the fifth day of April preceding the assessment. Sect. 18.

If discovered that any servant hath not been returned by master or mistress in one parish, according to the lists or declarations delivered in another, he or she shall forfeit forty pounds, one half to the King, and the other to the person who sues. Sect. 19.

All matters and things, not hereby altered, contained in 17 Geo. III. chap. 39. and 18 Geo. III. chap. 26. for the duties thereby granted, shall be in full force, for the rates on servants, and inhabited houses, by the said Acts, and this present Act granted. Sect. 20.

All penalties and forfeitures, for which there is no particular way of levying herein prescribed or appointed, shall be recovered in any Court of Record at Westminster, with costs of suit, by action of debt, or on the case, bill, suit, or information, wherein no essoin, &c. shall be allowed. Sect. 21.

If any person shall be sued for executing this Act, he may plead the general issue, and give the special matter in evidence; and if, upon the trial, a verdict shall pass for the defendant, or plaintiff become nonsuited, defendant shall have treble costs. Sect. 22.

AN

19 G E O. III.

AN ACT FOR ALTERING, AMENDING, AND
 ENEORCING, SO MUCH OF AN ACT, MADE
 IN THE SEVENTEENTH YEAR OF THE
 REIGN OF HIS PRESENT MAJESTY, IN-
 TITULED, " AN ACT FOR GRANTING
 " TO HIS MAJESTY CERTAIN DUTIES ON
 " LICENCES TO BE TAKEN OUT BY ALL
 " PERSONS ACTING AS AUCTIONEERS;
 " AND CERTAIN RATES AND DUTIES ON
 " ALL LANDS, HOUSES, GOODS, AND
 " OTHER THINGS, SOLD BY AUCTION;
 " AND UPON INDENTURES, LEASES,
 " BONDS, DEEDS, AND OTHER INSTRU-
 " MENTS;" AS RELATES TO THE ME-
 THOD OF GRANTING LICENCES TO AUC-
 TIONEERS, AND TO THE COLLECTING THE
 DUTIES ON ESTATES AND GOODS SOLD BY
 AUCTION.

C H A P. LVI.

AUCTION
 ACT.

AFTER fifth July next, the powers,
 rules, regulations, and provisions, by
 17 Geo. III. Chap. 50. given for granting
 licences to Auctioneers, and for collecting and
 managing the duties by the said Act imposed
 on licences to be granted to persons selling by
 Auction, and on the purchase-money of the
 estates, goods, and effects so sold, shall cease,
 except in cases relating to arrears unpaid, or
 to penalty incurred upon, or before said fifth
 day of July. Sect. 1.

After said fifth of July, duty of sixpence in
 every twenty shillings, out of the purchase-
 money; arising by sale at auction of plate and
 jewels,

jewels, repealed; and three-pence for every twenty shillings, out of such purchase-money granted. Sect. 2.

AUCTION
ACT.

No unlicensed Auctioneer, or Seller by Commission, shall presume to deal in, or sell, any estate, goods, or effects whatsoever, by auction, without first taking out a * licence, for which shall be immediately paid down twenty shillings, and five shillings besides the duties, for trading in, or selling gold or silver plate. If such licences be taken out within the limits of the Chief Office of Excise in London, then whether granted for selling by auction within the said limits, or in any other part of England or Wales, shall be granted under the hands and seals of two or more of the Commissioners of Excise, or their Deputies, and the duties shall be paid at the said Chief Office; but if the licence in the parts of England and Wales not within the said limits, shall be taken out without the limits aforesaid, then such licences shall be granted under the hands and seals of the Collectors and Supervisors of Excise, and the duty of five shillings shall be paid for the same to the Collector of Excise who shall grant and deliver the same. And in case such licences shall be taken out within the limits of the Chief Office of Excise in Scotland, such licences shall be granted under the hands and seals of two of the Commissioners of Excise in Scotland, or their deputies; and the duty of five shillings shall be paid at the Chief Office of Excise in Scotland; but if such licences shall be taken out in any part of Scotland not

* Which shall set forth his name and place of abode.

within the limits of the Chief Office of Excise there, then they shall be granted under the hands and seals of the Collectors and Supervisors of Excise in Scotland, and the said duty shall be paid to the Collector of Excise. Sect. 3.

Licensed Auctioneers and Sellers by Commission are to take out a fresh licence, ten days at least before the expiration of twelve calendar months after taking out the first licence, before they presume to sell by auction, and renew the same from year to year, paying down twenty shillings, or five shillings, at the place and times before-mentioned: and if any unlicensed Auctioneer, or Seller by Commission, shall offer to sell by auction, without taking out Licence, or renewing the same, he shall, if the offence be committed within the limits of the Chief Office of Excise in London, forfeit one hundred pounds; and if without the limits, fifty pounds. Sect. 4.

The duty of three-pence granted by Stat. 17 Geo. III. chap. 50. for every twenty shillings of the purchase-money by sale at auction, of interest, in possession or reversion, in any freehold, copyhold, or leasehold premises, and of annuities or money charged thereon, and utensils in husbandry and farming stock, ships, and vessels, and reversionary interests in the public funds; and sixpence for every twenty shillings of the purchase-money by sale at auction, of all fixtures, furniture, plate, jewels, pictures, books, horses, and carriages, and all other goods and chattels whatsoever; is chargeable, for every twenty shillings of the said purchase-money, and in

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proportion for any greater or lesser sum thereof.
Sect. 5.

AUCTION
ACT.

The duties of three-pence and sixpence are a charge upon every Auctioneer or Seller by Commission, immediately after closing the bidding. Sect. 6.

Every person not licensed, acting as Auctioneer at any public sale within the limits of the Chief Office of Excise in London, shall, at the time of receiving the licence, give security by bond to the King, in two hundred pounds, with two sureties; which security two of the Commissioners of Excise, or person they shall appoint to deliver out licences, are to take, that Auctioneer will, within twenty-eight days after sale, deliver, at the said Chief Office, to the person appointed by the Commissioners to receive the same, an account of the money bid at each sale, and of the articles, lots, or parcels, there sold, and the prices thereof; and make payment of all money due to the King, which the Auctioneer is to retain out of the produce by the sale, or deposit, or otherwise recover the same by action, against the person by whom he shall be employed, or on whose account goods shall be sold; and every Auctioneer, or his clerk, shall make oath to the truth of his account before a Commissioner, or his deputy: and in case the Auctioneer shall not deliver in his account, or make payment of duties, or if the account be not true, or Auctioneer hath acted contrary to bond, and this Act, Commissioners may cause bond to be put in suit, and in case of a verdict or judgment against defendant, licence shall be void. Sect. 7.

AUCTION
ACT.

Every person acting as Auctioneer not within the limits of the said Chief Office of Excise in London, shall, at the time of receiving such licence, give security by bond, in fifty pounds, which security shall be taken by two Commissioners of Excise, or by person they appoint to deliver out licences, as before directed, with regard to the bonds to be given within the limits of the Chief Office of Excise in London, that he will, within six weeks after sale, deliver in account, as before required by persons selling by auction within the limits of the said Chief Office of Excise in London; and shall make payment of all money due to his Majesty for sale by auction; subject to all the powers, directions, penalties, and forfeitures, before prescribed for the duties within the limits of the said Chief Office of Excise in London. Sect. 8.

Every Auctioneer, or Seller by Commission, selling by auction within the limits of the said Chief Office of Excise in London, shall, two days at least before sale, deliver, or cause to be delivered, at the said Chief Office of Excise, to the person appointed by the Commissioners, notice in writing, signed by Auctioneer, specifying the particular day when such sale is to begin; and shall, within twenty-four hours after, deliver, or cause to be delivered, to such person a written catalogue, signed by Auctioneer, or his clerk; in which shall be enumerated every article, lot, parcel, and thing, by him intended to be sold; and Auctioneer selling by auction not within the limits of the said Chief Office of Excise in London, shall, at least three days before sale, deliver, or cause to be delivered, to the Collector of Excise

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in whose collection such sale is to be, or at the Office of Excise next to place of intended sale, a like notice, signed by Auctioneer, specifying therein the day of sale, and shall, within twenty-four hours after, deliver, or cause to be delivered, to Collector, or at the said Office of Excise, a catalogue, attested by Auctioneer, or his clerk; in which shall be particularly expressed every article, lot, parcel, and thing, by Auctioneer intended to be sold: And if any Auctioneer shall presume to sell without delivering the notices and catalogues, or shall sell any estate or effects not particularly enumerated in catalogue, he shall forfeit twenty pounds. Sect. 9.

If Auctioneer not selling within the limits of the said Chief Office of Excise in London, shall not be prepared to deliver in the account to the Collector of Excise, Auctioneer is permitted to deliver in his account of sale within six weeks after sale, at the said Chief Office of Excise in London, and shall, at the same time, deliver a true copy of notice, and catalogue before delivered to Collector; and if Auctioneer shall neglect to deliver copy of notice, or catalogue, he shall forfeit twenty pounds. Sect. 10.

If sale be rendered void, by reason that person for whose benefit same was sold, had no title or right to dispose thereof; Auctioneer, who paid the duty, may lay his complaint before Commissioners, or Justices; and they shall hear and determine the same, and examine witnesses, and relieve the party in his overpayments. Sect. 11.

In case the real owner of any estate, or effects, put up to sail by auction, shall become
the

AUCTION
ACT.

the purchaser by his own, or another's bidding, without fraud or collusion, the Commissioners, Collectors, Supervisors, and Officers of Excise, are to make an allowance to him of the duties, provided notice be given to the Auctioneer before bidding, both by owner and person intended to be bidder, of the latter being appointed by the former, and having agreed to bid for the feller; and that notice be verified by the oath of the Auctioneer, as also the fairness of the transaction; and in dispute whether purchase by the owner was not made by collusion, or in order to lessen the full sum appointed by this Act to be paid, or concerning the fairness of such transaction, the proof shall lie upon the Auctioneer; and on failure, or of unfair practice, no allowance shall be made.

Sect. 11.

Act not to extend to sales of estates or chattels made by rule, order, or decree, of the Court of Chancery, or Exchequer in England, before the Master in Chancery, or the Deputy Remembrancer; or by order or decree of the Courts of Great Session in Wales, or of Court of Session or Exchequer in Scotland; or to sales made by the East India, or Hudson's Bay Company; or by order of Commissioners of Customs or Excise; or of the Board of Ordnance, or Commissioners of the Navy or Victualling Offices; nor to sale of goods distrained for rent, or for nonpayment of tithes.

Sect. 12.

This Act not to extend to any auction for granting copyhold estates for life, lives, or years; or for demising the same for life, &c. to be created by person on whose account auction is held; or to the sale of woods, coppices,

pices, produce of mines or quarries, or to contract relating thereto, or to cutting or working the same, or to the sale of materials used in working of mines or quarries, or to the sale of cattle, live or dead stock, or unmanufactured produce of land; so as such sale of woods, &c. cattle, corn, stock, or produce of land, be made whilst they continue on the lands producing the same, and by the owner of lands, or proprietor of, or adventurer in, mines or quarries, or by his steward or agent. Sect. 13.

Nothing in this or Stat. 17 Geo. III. chap. 50. to extend to charge any estate, goods, or chattels, sold by Sheriff or Under-Sheriff, of Bankrupts; or goods imported from America, of the growth, produce, or manufacture, of the plantation, on the first sale of such goods, by or for the account of the original importer to whom the same were consigned, and by whom they were entered at the Custom-house, at the port of importation, so as such sale be made within twelve months after such goods shall be so imported; nor to any ships, or their tackle, apparel, and furniture, or the cargoes thereof, which may be taken and condemned as prize; nor ships or goods wrecked or stranded, and sold free of duty, to defray the charges of salvage; nor goods damaged by fire; nor to sales made by Trustees chosen in pursuance of 12 Geo. III. chap. 72. Sect. 14.

Every Auctioneer who shall sell at auction any estates, goods, or chattels, seized by any Sheriff, or Under-Sheriff, or of Bankrupts, shall specify in catalogue as well the particular estates and effects to be sold, as the sum to be levied under execution; and the Sheriff or
Under

AUCTION
ACT.

Under Sheriff shall subscribe catalogue, and certify at the foot thereof, that the estates, goods, and effects therein, were the property of the person against whom judgment was had, and that they were actually seized in execution thereof; and Auctioneer employed by the Assignees of Bankrupts, shall enumerate, in catalogue, the goods and effects to be sold, and the Assignee shall sign catalogue, and certify, as aforesaid, the estates, &c. therein, were the property of the said Bankrupt, at time of issuing Commission; which catalogue shall be produced by Auctioneer to person to whom he is to deliver his account, before he shall be permitted to pass the same, or have it allowed. And if Sheriff, Under-Sheriff, or Assignee, shall insert, or suffer so to be, in catalogue, any estate, &c. than the property of the Debtor, or Bankrupt, or if either shall not certify the true sum, or false sum, he shall forfeit twenty pounds. Sect. 15.

Auctioneer employed to sell goods damaged by fire, sold by order of, and for the benefit of, the insurer thereof, shall specify in the catalogue the particular goods to be sold, and insurer shall subscribe and sign catalogue, and certify, that goods therein were sold for benefit of insurer; which catalogue shall be produced by Auctioneer to person to whom he is to deliver his account, before he shall be permitted to pass his account, or same be allowed: and if insurer shall insert, or permit so to be, other goods than those to be sold for his benefit; or if he shall not certify true particular, he shall forfeit twenty pounds. Sect. 16.

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All fines, penalties, and forfeitures, shall be recovered, as any fine may be by any Law of Excise, or by Action, in any Court of Record at Westminster, or of Exchequer in Scotland; and one moiety (all charges first deducted) shall be to the King, and the other to him who discovers, informs, or sues for it.
Sect. 17.

AUCTION
ACT.

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AN

19 G E O. III.

AN ACT FOR GRANTING TO HIS MAJESTY CERTAIN DUTIES ON LICENCES TO BE TAKEN OUT BY ALL PERSONS LETTING HORSES TO HIRE, FOR TRAVELLING IN THE MANNER THEREIN MENTIONED; AND CERTAIN DUTIES ON ALL HORSES LETT TO HIRE FOR THE PURPOSES OF TRAVELLING POST, AND BY TIME; AND UPON CERTAIN CARRIAGES THEREIN MENTIONED.

C H A P. II.

POST-
HORSE
ACT.

FROM fifth July last, every Postmaster, Innkeeper, or other person, letting to hire any horse for travelling post, for a day, or less, any horse for drawing any coach, chariot, or chaise, or other carriage used in travelling post, shall pay annually five shillings for a licence; that for every horse hired by the mile or stage to be used in travelling post, there be charged a duty of one penny for every mile such horse shall be hired to travel post; and that for every horse hired for a day, or less, for drawing coach, &c. or other carriage used in travelling post, there shall be charged, if the distance be ascertained, one penny per mile, and if not then ascertained, twelvepence for each horse so hired; duty to be paid by the hirer. Every person who shall keep a diligence or post-coach, for conveying in inside not exceeding four passengers, for hire, shall pay annually five shillings for a licence, and the owner of such

such carriage shall pay one half-penny per mile; and the duties to be under the government of the Commissioners of the duties charged on vellum, parchment, and paper. Sect. 1.

No person required to be licensed, shall, unless authorized, lett out any horse for hire, either by the mile or stage, or to draw any coach, &c. or other carriage used in travelling post, for a day, or less, upon forfeiture of five pounds. Sect. 2.

Two of the said Commissioners, or some person duly authorized by them, shall grant licences to lett out horses to hire, for one year, to commence from said fifth day of July, upon all licences to be granted on or before that day; and upon licences to be first granted after said day, to commence from date thereof; and all persons taking out such licence, shall take out a fresh licence for another year, ten days at the least before the expiration of that year for which he is so licensed, and shall renew such licence from year to year. Sect. 3.

Postmaster, Innkeeper, or other person, shall take out, and pay for a separate and distinct licence for every inn and place he shall keep for letting horses. Sect. 4.

Every such licensed Postmaster, &c. shall cause the words "*Licensed to lett Post-horses,*" to be painted or written, either on a sign or in front of his house, stables, or out-offices, at the place at which he lets out horses to hire; and if such Postmaster shall presume to lett out horses for hire without such token, he shall forfeit five pounds. Sect. 5.

Every such Postmaster, &c. shall, if he furnish his own chaises, or other carriages, with such horses lett to hire to travel post, mark



POST-
HORSE
ACT.



or paint, or cause to be marked or painted, upon some conspicuous part of the chaise, or carriage, his christian and surname, and the place of his abode, and continue the same thereupon, so long as such chaise or carriage shall be so used; and if any person shall not, or mark or paint, or cause to be marked or painted any false or fictitious name, or place of abode thereon, he shall forfeit five pounds. Sect. 6.

The said Commissioners shall, at time of issuing licence, deliver, or cause to be delivered, to every such Postmaster, &c. printed or written papers, intituled, "*Stamp-office Weekly Account*;" in which shall be inserted the day of the week, and blanks left for the number of horses and miles, and for the day of the month, and the names of the postillions or drivers employed, to be filled up according to the following form:

Stamp-

Stamp-office Weekly Account.

A. B.

of C.

Names of Postillions or Drivers.										
Month and Day.	Week and Day.	A. B.	C. D.	E. F.	G. H.	I. K.	L. M.	Duty.		
		N ^o . of	N ^o . of	N ^o . of	N ^o . of	N ^o . of				
		Horses.	Horses.	Horses.	Horses.	Horses.				
	<i>Sunday</i>									
	<i>Monday</i>									
	<i>Tuesday</i>									
	<i>Wednesday</i>									
	<i>Thursday</i>									
	<i>Friday</i>									
	<i>Saturday</i>									

and

POST-
HORSE
ACT.



and shall also deliver, or cause to be delivered, a number of tickets, on which shall be printed or written, if for an Innkeeper, the name of the sign or house, if not, his name; and also on such tickets shall be inserted the name of the place where such licensed person resides; and also the words *Horses*, 1, 2, 3, 4, 5, or 6, in figures, as the tickets may be intended to denote the numbers; and likewise the words *Miles*, except where the horses are lett to hire for a day, or less; and then, "*For a Day*," shall be inserted, together with "*Stamp-Office*." And in case Officer shall refuse or neglect, whereby damage be sustained, he shall be liable, in Action on this Statute, to answer damages, with treble costs. Sect. 7.

Postmaster shall, at time of receiving his first licence, give security of fifty pounds, that he will, whenever required, redeliver, or cause to be redelivered, the Stamp-Office tickets; and also deliver the Stamp-Office account, faithfully made out, filled up, signed, and attested, and make payment of all money due; and also observe and perform all directions, matters and things herein contained: and in case of non-performance or breach of condition, said Commissioners, &c. may cause bond to be prosecuted; and in case of judgment against defendant, said Commissioners may refuse to grant him licence in future. Sect. 8.

Postmaster who shall lett horses to hire, previous to the using such horse, shall receive from the hirer one penny per mile, for as many miles as he shall charge traveller for, and for which such horse may be hired to go; and shall, at time he receives payment of duty, deliver to the person or persons the Stamp-Office

Office

Office tickets, and to which such Post-master, &c. shall add the month and day thereof, and the number of miles for which horses are so hired. And if any Postmaster, &c. shall neglect to receive the duty of one penny per mile, or to deliver tickets, he shall forfeit five pounds; and moreover, in case of not receiving duty, be chargeable therewith. Sect. 9.

All travellers, to whom such ticket shall be delivered, who shall pass through any turnpike, shall at the first turnpike deliver the same to the toll-gate keeper; and if any traveller so going post, shall have neglected to take such ticket, or not deliver the same, he shall, before such horses be permitted to pass such toll-gate, pay for every horse hired, used by such traveller, one shilling and sixpence. Sect. 10.

Every such licensed Postmaster, &c. who shall lett to hire any horse by the day, or less, shall, previous to horse being used, receive from person hiring same, one penny per mile for each mile horse shall be hired to go, where distance shall be then ascertained, and where not, then twelve-pence for each horse so hired, previous to same being used; and shall, at same time, deliver to hirer Stamp-Office tickets with "*For a day*" inserted thereon, and to which Postmaster, &c. shall add month and day thereof: and in case horse be hired to return same day with same carriage, and some person therein by or for whom horse is hired, then "*To return*"; and if Postmaster, &c. neglect to receive either of the duties of one penny, or twelve-pence, or refuse to deliver tickets, he shall forfeit five pounds, and
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and in case of not receiving duty, be chargeable therewith. Sect. 11.

Every Postmaster, &c. shall insert in the account delivered to him from the Stamp-Office, the number of horses used in travelling post, and of miles for which such horses shall have been so used, also number of horses lett to hire for a day, or less, and the day of the month on which same were used, together with the names of the postillions or drivers employed; which said account shall be signed by Postmaster, &c. and witnessed by hostler or servant, and be open to inspection of any person authorised under the hands and seals of the said Commissioners; and such Postmaster, &c. residing in London or Westminster, shall, the first Tuesday or Wednesday in every month, and such other licensed persons residing within five miles of London or Westminster, or within the Bills of Mortality, shall, the first Thursday or Friday in every month, or at times appointed by said Commissioners, on public notice in Gazette, bring in and deliver to them, or to the person appointed by them, at the Head Office, the account for the four weeks ending on the Saturday preceding day of delivery, and shall, within eight days after, pay money due thereon to Receiver-General, or proper Officer for collecting said duties, at the Head Office, upon pain of forfeiting ten pounds, and double the money due for duties. Sect. 12.

Every such licensed Postmaster, &c. not residing in London or Westminster, or within five miles of the same, or within the Bills of Mortality, shall produce and deliver the accounts for the weeks ending on the Saturday preceding

preceding such delivery, and then unaccounted for, to the person authorised, by commission under the hands and seals of three of the said Commissioners, to receive the same, and the money due thereon, and pay to such person all money due, under the penalty of ten pounds for every default in not delivering such accounts, and double the money due for duties. Sect. 13.

Every ticket delivered from the Stamp-Office, with number of miles thereon, shall be deemed a ticket upon which the duty has been received, and be paid for by the Postmaster, &c. according to horses and miles marked thereon. Sect. 14.

Every Postmaster, &c. guilty of wilful concealment, making false accounts, or other fraudulent practice whatsoever, with intent to defraud the King of the duties, shall forfeit twenty pounds; and the said Commissioners may, after judgment, refuse to grant him a licence. Sect. 15.

Every Postmaster, &c. who shall take the hire for such horses, shall be considered as the person to whom the duties shall be paid, and be chargeable with the same, as if he was the actual proprietor, although the horses may happen to belong to some other licensed Postmaster, &c. Sect. 16.

No Postmaster, &c. at whose house traveller shall change horses, shall lett to hire but by the mile or stage; and if he shall act contrary, he shall forfeit five pounds. Sect. 17.

Receiver - general and Collectors shall pay to toll-gate keeper who shall deliver tickets, for compensation and encouragement, ten shillings, where duties amount to one
I hun-



hundred pounds; and after that rate where to more or less, and also allow him to retain the money collected by him from travellers who did not deliver tickets to him. Sect. 18.

Every toll-gate keeper shall bring the tickets, if within five miles of London, to Head Office, or place within the Bills of Mortality Commissioners shall * appoint; and if beyond, to places, and at times, Collectors shall require. Sect. 19.

Every toll-gate keeper who shall not bring the tickets, shall, upon demand at turnpike-gate, deliver them to Collector; and if toll-gate-keeper shall refuse, he shall, for each ticket, forfeit five shillings. Sect. 20.

Every Postmaster, &c. not residing in London and Westminster, nor within the Bills of Mortality, shall, at the times and places to be mentioned at the foot of the first licence granted, and afterwards at the foot of every

* It is observable, that the inn-keepers, hirers of horses, owners of hired carriages, &c. are to pay the duties of this Act to Receivers, Collectors, and Toll-gate Gatherers, *duly authorised* to receive the same. Some particular questions seem to arise on this general objection to the Act; as for instance, How are payers to know that all the above Officers are duly authorised and empowered to collect and receive the monies, and transact the public business they are respectively required to do by this Act? Is the Public individually, legally discharged, on accounting and paying to persons, who may happen to be personated? A very small alteration would entirely obviate all objections, solve all difficulties, and answer all doubts. The alteration proposed I find adopted in another of the blessed Acts of this very same Session of Parliament, viz. chap. 56, for Licences on Auctioneers, and taxes on estates and goods sold by them in *this* capacity; wherein the Legislature hath marked out the Auctioneer to the Public, in such a manner that they cannot fail of dealing with the right person, if they chuse. Who is the Auctioneer then, is the question? He is most decisively and most easily known by the legislative description, which is "the person who *acts* as Auctioneer." Such pointed description seems almost as necessary for the Receivers, Collectors, Toll-gate keepers, and Gatherers, in this Act.

receipt

receipt given by Collector, attend, and deliver in and pass his account, and pay duty received to Collector: Provided he shall not be compelled to travel, if he live in a market-town, out of the said town; or if out of a market-town, to no other place than the nearest market-town to his habitation. Sect. 21.

POST-
HORSE
ACT.

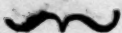
This Act not to extend to hackney-coach horses, nor to any horse in any carriage travelling post, where hired to return before twelve of the clock at night of the same day with the same carriage, and any person therein by or for whom horse was hired, and do actually return. Sect. 22.

Every horse hired by the mile, or stage, shall be deemed to be hired to travel post, although the hirer do not travel several stages upon a post road, or change horses; and although at the place to which horse be hired, there shall not be any post-house; and although no post be on the road. Sect. 23.

If licensed Postmaster die, his personal representatives or successor may lett horses to hire until they procure licence, without being liable to penalty, provided licence be taken out within thirty days after the death of Postmaster, &c. and they shall be subject to regulations and charges, and liable to account, and payment of duties, as Postmaster, &c. was. Sect. 24.

No person who shall keep a diligence or post-coach, for conveying in the inside thereof no more than four passengers, for hire, shall lett out the same without licence, upon forfeiture, for every time same shall be so used, five pounds. Sect. 25.

Two Commissioners, or person duly authorised by them, shall grant licences to any



person who shall apply for the same, to lett out for hire diligence, or other carriage, for one year, from fifth July last, upon all licences to be granted on or before that day, and upon licences to be first granted after the said fifth day of July, from the day of the date of such licence ; which shall be renewed at least ten days previous to the expiration of the year for which it was granted ; and if person so licensed continue to lett out for hire such machine, diligence, or carriage, he shall renew licence from year to year, and so yearly, as long as he continues to lett machine, &c. Sect. 26.

No such person shall, by one licence, keep more than one machine, &c. Sect. 27.

Every person so licensed, shall pay one half-penny for every mile, machine, &c. shall travel. Sect. 28.

Every person so licensed shall, at the time of receiving licence, declare from what place, and to what place, machine, &c. is intended to be used, distinguishing the distance between the two extreme places, machine, &c. is to go, and the number of journies each such carriage is so intended to be used, either in the day or in the week ; and every such person shall give security in twenty pounds, with condition for the faithful accounting for and paying such sums as may be due for the journies such carriages may have so made, Sect. 29.

The major part of the said Commissioners, or their Officers, shall make just allowances to every licensed person to use machine, &c. to go from and to return to London, where the distance does not exceed twelve measured miles,

miles, upon * oath of owner, as to the number of journies actually made in a day, where the same shall differ from number in licences; said Commissioners to examine into number of journies made by machine, &c. and the major part of them are to make necessary regulations, with respect to machines, &c. where such allowances are applied for, as well for securing duties, as doing justice to owners thereof. Sect. 30.

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Every such licensed person shall mark or paint on the outside pannel of each door, before he shall use machine, &c. his christian and surname, mentioning the place from whence he sets out, and to which he is going, in plain and legible characters; and every proprietor of licensed machine, &c. shall, on the first Monday in every month, between the hours of eight in the morning and two in the afternoon, unless an holiday, then on the next day, not an holiday, pay the duties due to said Receiver-General, or proper Collector, at the Head Office; and if proprietor shall be licensed from any town in the country to any other than London, he shall pay same to persons duly authorized by three of the said Commissioners, under penalty of ten pounds. Sect. 31.

Every such licensed proprietor who shall discontinue use of machine, &c. shall give seven days previous notice, in writing, and shall have same indorsed upon back of his licence, or upon his bond, and on payment of arrears, shall be no longer-chargeable for machine, &c. Sect. 32.

* All the Commissioners, and not the major part of them only, and none of their Officers, seem authorized to administer this oath.

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The said Receiver-General at the Head Office, and the said Collectors duly appointed to receive the duties, shall make an allowance to the several licensed postmasters, &c. which they may deduct for their own use, after the rate of three-pence in the pound, out of the monies by them regularly accounted for and paid. Sect. 33.

If any person shall falsely make, forge, or counterfeit any ticket, or procure so to be, or wilfully act or assist therein, with intent to defraud the King of his duties, or utter or publish as true, any false, forged, or counterfeited ticket, with such intent, he shall forfeit fifty pounds. Sect. 34.

All pecuniary penalties amounting to twenty pounds or more, shall be one moiety to the King, and the other, with full costs of suit, to informer. Sect. 35.

Two Justices, residing near, may hear and determine offences, not subjecting offender to more than twenty pounds penalty. Upon complaint, Justices to summon party, and witnesses, and upon appearance or contempt, proceed to examination of fact; and upon confession, or oath, give judgment for penalty, and issue warrants for levying same on goods of offender, and cause sale thereof, in case not redeemed within six days, rendering the overplus, if any; and where goods cannot be found sufficient to answer penalty, to commit offender, until same shall be made; and if either party be aggrieved, he may, upon giving security in value of penalties, appeal to next Quarter Sessions, Justices whereof are to summon and examine witnesses, upon oath, and finally to hear and determine; and in case of conviction,

conviction, issue warrants for levying the penalties. Sect. 36.

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Justices may mitigate penalties, all reasonable costs and charges being allowed, and so as mitigation do not reduce the penalties to less than double the duties, besides costs and charges. Sect. 37.

Duties shall be paid to said Receiver-General, who shall keep a separate account thereof, and pay same (necessary charges deducted) into the Receipt of the Exchequer, at time, and in manner, as duties on stamps; and in the office of the Auditor of the said Receipt shall be a book, in which all the monies arising from the duties, and paid, shall be entered apart; which monies, with revenues granted this Session, shall be a fund for the payment of the annuities, charges, and expences, directed to be paid, 19 Geo. III. chap. 18. Sect. 38.

So much of Stat. 9 An. chap. 10. as restrains persons, other than the Postmaster-general, his Deputies and Substitutes, from letting to hire horses or furniture for riding post, repealed. Sect. 39.

If any person shall be sued for any thing done in pursuance of this Act, he may plead the general issue, and give the special matter in defence; and if upon the trial verdict shall pass for defendant, or plaintiff be nonsuited, defendant shall have treble costs. Sect. 40.

19 G E O. III.

AN ACT TO EXPLAIN AND AMEND THE
LAWS RELATING TO THE TRANSPOR-
TATION, IMPRISONMENT, AND OTHER
PUNISHMENT, OF CERTAIN OFFENDERS.

C H A P. LXXIV.

CONVICT
ACT.
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AFTER first July last, when any person, at any Session of Oyer and Terminer, or Gaol Delivery, or at any Quarter Session, in England, or Great Session for County Palatine of Chester, or Wales, shall be convicted of any transportable crime, or if any person so convicted, hath been ordered to be so transported, but hath not, the Court may order him to be transported to any parts beyond the seas, in America, or elsewhere, for the usual term of years. Sect. 1.

When any convict ordered to be transported, or if attainted of felony, excluded from clergy, shall be pardoned, upon condition of transportation, all laws, with regard to the transportation of criminals to America, and their punishment for being afterwards at large, before the expiration of the terms, for which they were to be transported, and particularly the provisions in Stat. 4 Geo. I. Chap. 11. 6 Geo. I. Chap. 23. 16 Geo. II. Chap. 15. and 8 Geo. III. Chap. 15. shall be in force. Sect. 2.

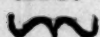
When any person shall be convicted of felony within clergy, for which he is liable to be * burned or marked in the brawn of the left thumb, Court may, instead of such burning or marking, impose a moderate fine; or, except in manslaughter, order offender once, but not more than thrice, to be * whipped, private whipping to be in presence of not less than two persons, besides offender and Officer, and of female offenders in presence of females only; and such fine or whipping shall have the like effects and consequences, with respect to discharge from felonies, or restitution to estates, capacities, and credits, as if he had been burned or marked. Sect. 3.

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Nothing in this Act shall deprive Courts of power to detain and keep in prison, not exceeding one year, or of committing to the House of Correction, or public workhouse, to be kept to hard labour for less than six months, or exceeding two years; but offender may, after burning, whipping, or fine, be detained or committed, and with accumulate punishment, in case of escape. Sect. 4.

The King, in his Privy Council, may appoint three Supervisors of the buildings to be erected in pursuance of this Act, and remove them, and appoint others, and also in the place of such as shall die or resign; two of which Supervisors shall, as conveniently may be, fix upon a common, heath, or waste, or other piece of ground, in Middlesex, Essex, Kent, or Surry, upon which they shall erect two plain, strong, and substantial edifices, to be called The Penitentiary * Houses, for confining and employing

* See Preface.

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in hard labour the male and female convicts, separately, as shall be ordered to imprisonment and hard labour: in fixing upon the ground, regard to be especially had to healthiness and accommodation of water, avoiding places where other buildings may be contiguous to the outward fence or inclosure, or * a situation within a populous town. Sect. 5.

When ground shall be fixed upon, with such approbation, the said Supervisors shall, as may be, contract for the absolute purchase in fee-simple thereof, for erecting thereon Penitentiary Houses; which ground shall be conveyed to the Clerk of Assize of the Home Circuit; who is declared to be a Corporation Sole, for the special purpose of being capable to take and hold, in perpetual succession, the said ground. Sect. 6.

All Corporations Aggregate or Sole, Ecclesiastical, Civil, or Eleemosynary, Husbards, Guardians, Committees, Executors, Administrators, and all Trustees whatsoever, not only on behalf of themselves, but of their Cestuique trusts, whether Infants or issue unborn, Lunatics, Idiots, Femmes-covert, or other person under any disability whatsoever, and also all other persons seized, possessed of, or interested in any ground on which the said Penitentiary Houses shall be appointed to be erected, to contract or agree for, sell, convey, and assure the same unto such Clerk of Assize, and all such Contracts, &c. shall be valid; and all Corporations and persons so agreeing or conveying, are indemnified. Sect. 7.

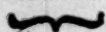
* Situation to be approved of by the Lord Chancellor, the Speaker, the Judges and Barons, Lord Mayor of London, or eight of them.

Money exceeding 100 l. and agreed to be paid to any Corporations, &c. for Infants, &c. or to any person whose lands shall be limited in strict settlement, for the purchase of ground, shall be laid out by them, or as soon as conveniently may be, in the purchase of lands, tenements, and hereditaments, in fee-simple, to be conveyed to them, or to their use, and to such person, and for such estate, and subject to such uses, trusts, limitations, remainders, and contingencies, as the lands or grounds for which such purchase-money shall be paid, shall be limited, settled, and assured, at time of such purchase or contract, or such as shall be then capable of taking effect; the charges of such conveyances and settlements to be paid as the expence of building on such ground; and until such purchase be made, such money, whether one hundred pounds or less, shall be laid out in Government Securities, in the names of two persons, one to be nominated by the party interested therein, and the other by the Supervisors; and the interest arising from such securities shall be paid to such person as would have been entitled to the rents and profits of such ground, in case the same had not been sold, or to the rents and profits of such lands, &c. so to be purchased. Sect. 8.

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If Corporations, &c. or person interested in ground, upon notice given, or left in writing at his house or place of abode, or of principal office of Corporation, shall, for twenty-one days after notice, not treat, or accept price offered by * Supervisors, or their Agent, or otherwise not agree for the sale of ground; or if, by reason of absence or incapacity, they

* The Act does not express two or three.

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shall be prevented from treating for such sale, said * Supervisors shall cause the value of such ground to be inquired into, and ascertained by a Jury of place wherein the same shall be situated; and to that end shall summon and call before such Jury, and examine upon * oath any person; and Supervisors shall, by ordering a view, or otherwise, use all ways and means for the information of themselves, and of Jury, in the premises; and when Jury shall have enquired of and ascertained the value of such ground, the said Supervisors shall order the money appearing to be the value thereof, to be paid and applied as money for ground, for sale whereof the person interested shall contract and agree; which verdict or inquisition, and order, shall be filed of record by the Clerk of the Peace, and be final and conclusive against all persons claiming, their heirs and successors, as well absent as present, Infants, &c. Corporations, &c. Sect. 9.

Supervisors may issue their warrant to Sheriff or Bailiff of place within which ground be situated, requiring him to summon, and return, an indifferent Jury of twenty-four persons qualified to serve upon Juries, to appear before them, at time and place in warrant appointed; and out of the persons summoned, and returned, or shall appear upon summons, said Supervisors shall draw by ballot, and swear twelve men, who shall be the Jury; and in default of a sufficient number of Jurymen so returned, Sheriff or Bailiff shall take such other honest and indifferent men of by-standers; and

* "Said Supervisors" mean only *two*, unless noticed.

† Which *one* Supervisor only may administer. Id. ib.

all persons shall have their lawful challenges against any of the said Jurymen when they come to be sworn; and said Supervisors may impose a * fine upon such Sheriff, Bailiff, or Deputy, making default, and on any of the persons who shall be summoned and returned, and not appear, or refuse to be sworn, or to give, or shall not give, a verdict, or otherwise wilfully neglect his duty; and also on any witness not appearing, or refusing to be sworn, or give evidence. Sect. 10.

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In case Jury shall give a verdict for more money, as the value of such ground so to be purchased, than what shall have been offered for the purchase thereof, by the said * Supervisors, or their agent, to any person capable of contracting for the same, the costs and expences of summoning and maintaining the Jury and witnesses shall be borne and paid out of the same fund as the expences of the buildings to be erected thereon; but if Jury shall give verdict for no more or less than the money which shall have been so offered by such † Supervisors, or their agent, then such costs shall be paid by person with whom controversy touching value of grounds arise. Sect. 11.

Upon payment of the money so ordered for the purchase of grounds, or, upon refusal or inability to receive the same, leaving the same in the hands of the Clerk of the Peace of the County where such Penitentiary Houses are to be built, for the use of the persons entitled thereto, the said Supervisors, their work-

* Not exceeding 10l. nor less than 20s. on one person, for one offence. Id. ib.

† The Act does not express their number.

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men, or agents, may take possession of grounds; and thereupon all persons shall be divested of all right and title thereto. Sect. 12.

Nothing in this Act shall extend to compel the sale of any ground, with a house or other building, *bona fide* intended for habitation; or of any park, paddock, orchard, or other ground, inclosed for the immediate convenience of any house, or of the offices belonging thereto; or any ground improved as pleasure-ground, or planted with wood; or any inclosed ground immediately adjoining to any house, park, paddock, garden, orchard, yard, or pleasure-ground, and occupied therewith; or any ground between any house and any park, paddock, yard, offices, garden, orchard, or pleasure-ground, belonging to such house, and occupied therewith. Sect. 13.

Said Supervisors shall contract with proper persons for erecting such Penitentiary Houses, together with the several buildings and inclosures thereunto belonging, and shall superintend the erection of such houses and buildings, and the due performance of contracts; and the said Penitentiary Houses shall be made sufficiently large to contain six hundred male convicts, and three hundred female convicts, each sex in a separate house; and proper storehouses, warehouses, workhouses, and lodging-rooms, an infirmary, a chapel and burying-ground, a prison divided into dark but airy dungeons, a kitchen-garden, and also proper airing grounds, yards, offices, and other necessary apartments for the several Officers and servants. Before any contracts be made by said * Supervisors, the plan of houses and

* Act does not mention their *number*.

buildings,

buildings, with estimates of expence, shall be approved of by persons to whom the approbation of ground is referred. Expences of purchasing the ground, of erecting the buildings, and of making compensation to Supervisors for trouble and charges, being previously settled by Justices of place where ground situated, at their Session, and allowed by the Justices of Assize, or by Justices of the King's Bench, shall be defrayed by Warrants from Commissioners of Treasury. Sect. 14.

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His Majesty in Privy-Council may nominate three Gentlemen, or other substantial persons, as Committee to superintend houses, and remove them, and appoint others in their stead, or of such as shall die or resign; which Committee shall be intitled to such allowance *per diem* for their trouble and expences, in every day's actual attendance on the duties of their office, as the Justices at their Session, with the approbation of the Justices of Assize, or of King's Bench, shall direct; and two of Committee shall appoint a Clerk, during pleasure, with salary; who shall keep regular minutes of the proceedings of the said Committee; two of whom are to appoint stated meetings, giving two days notice thereof, and adjourn the same, and at such meetings to execute this Act; at which Chairman of Committee shall have casting vote. Sect. 15.

When the said Penitentiary Houses shall be erected, and so fitted up as to be ready or nearly ready for the reception of the offenders, Committee shall elect Officers, and make provision for stock and materials for the use and employment of the offenders; and also orders
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for the regulation of the said houses and offenders ; which being approved of by the Justices at Sessions, and confirmed by the Justices of Assize or of King's Bench, shall be carried into execution ; and the said Committee shall make other orders of regulation, as well for repeal of such before made, as in addition, which, before carried into execution, shall also be allowed by the Justices. Sect. 16.

There shall be elected by the said Committee, previous to opening such Penitentiary Houses, a Governor, Chaplain, Surgeon or Apothecary, Storekeeper, and Task-master ; and also, in the house set apart for female convicts, a Matron ; and in each of them, such other Officers as the said Committee, with such confirmation, shall judge necessary ; who shall be removeable by order of the said Committee ; and when any vacancy shall happen, new Officers shall be elected ; and such salaries and other allowances made them, with such approbation ; and also such of them from whom the said Committee may deem it proper to require security, for the due and faithful execution of their offices, shall give the same, as the said Committee shall direct. Sect. 17.

The salaries of the Governors and Task-masters shall, in great measure, arise from the profits of the work done in each Penitentiary House ; and the said Committee, with such approbation, are so to order such salaries, that the same may bear a constant proportion to the quantity of labour performed in each several house, and that it may become the interest, as well as duty, of each Governor and Task-master to see that all persons under his custody

custody and direction be regularly and profitably employed. * Sect. 18.

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Committee may, with approbation, increase, diminish, discontinue, or vary, the number of Officers to be appointed for either house, except by taking away or discontinuing the Governor, Matron, Chaplain, Surgeon or Apothecary. Sect. 19.

The Governor of every such Penitentiary House shall be a Body Corporate, and shall sue and be sued, by the Name of *The Governor of the Penitentiary House for Males* (or for *Females*, as the case shall require), where it shall happen to be situated; and shall employ servants, overseers, and assistants, and for whose conduct he shall be answerable; provided he employ males in the house set apart for male convicts, and females, where the work can be performed by them, in that set apart for female convicts. Sect. 20.

Governor shall also have power to make † contracts for the clothing, diet, and all other necessaries for the maintenance and support of the offenders, for implements or materials of any kind of manufacture or trade in which they shall be employed, and also to carry on such manufacture and mystery in such house, and to sell such goods, wares, and merchandize, as shall be there wrought and manufactured; and the Governor shall cause all accounts touching maintenance of the offen-

* As the wages of the Governors and Taskmasters are totally, if possible, to depend on the labour of the offenders, may not this provision of the Act, in a great measure, destroy the humane tendency thereof, by rendering the objects of it liable to ill treatment, in obliging them to work, to encrease the salary of those who are to set them their tasks?

† Same to be previously approved of by Committee. Id ib.

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ders therein, to be entered regularly in a book; and he and Storekeeper shall each keep separate accounts of all such stock and materials as shall be brought into such house for employing offenders; which shall be delivered out by Storekeeper to Task-master, who shall give receipts, and distribute same amongst the offenders; and he, or his assistants, shall constantly superintend their work, and take account of every neglect of work, or other misbehaviour, and likewise of extraordinary diligence or good behaviour in offenders, and report same to the Governor, who shall cause the same to be entered in a book; and Task-master shall also keep accounts of the quantities daily worked by offenders, and return the materials, when manufactured, to Storekeeper; who shall give receipts, and, with the privity and approbation of Governor, sell the same, and pay the money to Governor, who shall be accountable for same to Committee; and Governor and Storekeeper shall keep separate accounts of the materials so manufactured and sold, and of money, and when sold, and to whom, in books to be provided for those purposes. Sect. 21.

The books so to be kept by the said Governor and Storekeeper, shall be examined by Committee, and compared with vouchers, and verified upon oath before Committee, and be allowed, and signed by two of them; and if Committee shall disapprove any articles in accounts, same to be disallowed. Sect. 22.

If Committee suspect improper charges in accounts of Governor or Storekeeper, or omission, they may examine them upon oath, or any Officer or servant, or persons of whom any necessaries, stock, materials, or other things

things have been purchased for the use of house, or to whom any stock or materials, wrought or manufactured, have been sold, or the offenders, or other persons touching the same; and in case there appear in accounts false entry, knowingly or wilfully made, or fraudulent omission, or other fraud, or collusion between Officers or servants, or between them and other persons; then, besides satisfaction party injured may be entitled to recover by law, Committee may dismiss such guilty Officer, and appoint another in his stead; and Committee may cause an indictment to be preferred against him at Quarter Session; and if found guilty, he shall be punished by fine and imprisonment. Sect. 23.

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When the Penitentiary Houses shall be completed, and proper Officers appointed for the care and management thereof, Committee shall certify the same to Justices of King's Bench; and after Certificate, where any person shall, at any Session of Oyer and Terminer, or Gaol Delivery, for London or Middlesex, or Assizes in England, or Great Session for Chester, or Wales, be convicted of any crime for which he shall be liable by law to be transported, Court may order person to be kept to hard labour, in one of such Penitentiary Houses, for two years, in case of petty larceny; and for, if offender be a male, not less than one year, or if a female, not less than six months; nor exceeding, in either case, five years, if he or she is liable by law, on account of any other crime, to be transported for seven years; and for not less than two years, nor exceeding seven, in case offender is liable by law to be transported for fourteen years. Sect. 24.

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During the continuance of this Act, not more than two offenders shall be sent to such Penitentiary Houses from all the Great Sessions in any one of the four Circuits of Chester, or Wales, either in spring or summer; nor more than four offenders from one Session of Oyer and Terminer, and Gaol Delivery, for London, nor more than nine from one like Session for Middlesex; and not more than eight offenders from all the said Sessions within each of the two annual Northern Circuits; nor more than ten within each of the two annual Midland Circuits; nor more than ten within each of the two annual Norfolk Circuits; nor more than twelve within each of the two annual Oxford Circuits; nor more than twelve within each of the two annual Western Circuits; and no more than sixteen within each of the two annual Home Circuits.

Sect. 25.

Until such Certificate shall be made, Court to adjudge offenders, not exceeding the numbers before limited, to be kept to hard labour for the said terms, in the Houses of Correction within each County; which houses shall be deemed Penitentiary Houses; and when Certificate shall be made, offenders then imprisoned in such places shall be transferred to Penitentiary Houses, for the residue of the terms they were to be imprisoned; and the Justices, at Quarter Sessions next after the Feast of *Saint * Thomas the Martyr* next ensuing, or any adjournment thereof, are to give directions for the temporary reception, safe custody, employment, and due regulation

* This Saint's Day does not seem so precise a designation of time, as usually occurs in Parliamentary provisions.

of such offenders, the expences of which, being previously examined and allowed by the Justices at Sessions, shall be paid by the Treasurer of the County, who shall be allowed the same in account. Sect. 26.

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Where any male person, at any Session for London, or any County in England, or royal franchise of Ely, or Great Session for Chester, or Wales, shall be convicted of any transportable crime, except petty larceny, Court may order such person, appearing to be of competent age, and free from any bodily infirmity, to be punished by being kept on board ships properly accommodated for security, employment, and health, and by being employed in hard labour in raising sand, soil, and gravel from, and cleansing, the River Thames, or any other river navigable for ships of burthen, or any port, harbour, or haven, within England, such river, &c. being previously appointed by the King in his Privy Council, or other service for the benefit of navigation, or public works upon the banks or shores of the same, under the management of Superintendant appointed for the River Thames by the Justices of Middlesex, and for other rivers, &c. by the Justices for the Counties wherein such rivers, &c. are situated as his Majesty in Council shall direct, at Quarter Session, for not less than one year, nor exceeding five years; or in case offender shall be liable to be transported for fourteen years, not exceeding seven years. Sect. 27.

Where any person shall be convicted of any robbery, or other felony, for which he is liable to death without clergy, and pardoned upon condition of being kept to hard labour
in

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in Penitentiary House ; or offenders, being males, upon condition of being kept to hard labour in custody of Superintendant for the benefit of navigation ; and intention of Royal mercy shall be notified in writing, by Secretaries of State, or, if no Court sitting, to Justice of Oyer and Terminer, or Gaol Delivery, or of Great Sessions ; either of them may allow offender conditional pardon, as if under the Great Seal ; and order him to be kept to hard labour in Penitentiary House, or in custody of Superintendant, for time notified from Secretary of State. Sect. 28.

When offender shall be adjudged to be kept to hard labour, Clerk of Assize, or other Clerks of Court, shall give to the Sheriff or Gaoler certificate in writing, containing christian name, surname, and age of offender ; of his offence ; of Court before which convicted, and term for which ordered to hard labour ; and Sheriff or Gaoler shall convey offender to place order directs, and deliver him, together with certificate, to Governor or Superintendant, or person either shall appoint ; and Governor or Superintendant, or person to whom delivered, shall give receipt to the Sheriff or Gaoler for his discharge ; and Governor or Superintendant shall transmit certificate to the Clerk of the Peace of County where Penitentiary House, or place of confinement, shall be, to be filed with the Records of the Sessions. Sect. 29.

Clerk of Assize, or Clerk of Court, shall have usual fee on granting certificate, and the Sheriff or Gaoler same, on delivering offender ; and which would have been due if offender had been sentenced to transportation, except in Petty Larceny, wherein they shall have only fees paid upon conviction and judgment to be whipped ; and fees and expences of Sheriff or Gaoler, being previously examined and allowed by Justices at Session, shall be paid by the Treasurer of the County to such Clerks and Sheriff or Gaoler, and Treasurer shall be allowed such payments in account. Sect. 30.

After

After delivery of offender into custody, Governor or Superintendant, or person having offenders under his direction, shall have the same power over them, as Sheriff or Gaoler; and in case of abuse of custody, or misbehaviour or negligence in discharge of office, shall be liable to same punishment as a Gaoler. Sect. 31.

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Every Governor of each Penitentiary House shall keep him or her, so far as may be consistent with his or her sex, age, health, and ability, to labour of the hardest and most servile kind, in which drudgery is chiefly required, and where the work is little liable to be spoiled by ignorance, neglect, or obstinacy, and where the materials or tools are not easily stolen or embezzled; such as treading in a wheel, or drawing in a capstern for turning a mill or other machine or engine, sawing stone, polishing marble, beating hemp, rasping logwood, chopping rags, making cordage, or any other hard and laborious service; and those of less health and ability, regard being also had to age and sex, in picking oakum, weaving sacks, spinning yarn, knitting nets, or any other less laborious employment: and if the work to be performed by offenders shall require previous instruction, proper persons shall be provided to give the same, by order of the said Committee, to whom a suitable allowance shall be made. Sect. 32.

Offenders shall, during their hours of rest, be kept entirely apart from each other, and be lodged in separate rooms or cells, not exceeding twelve feet in length, eight in breadth, and eleven in height, nor less than ten in length, seven in breadth, and nine in height, and without any window within six feet of the floor; which rooms or cells shall be dried and moderately warmed, in damp or cold weather, by flues from the fires in the kitchens; and offenders shall also, during the hours of labour, in case their employments will permit, be kept separate from each other; and where employment may require two persons to work together, the room shall be of suitable dimensions; and if work wherein offenders shall be employed require the labour of
many

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many persons at one time, they shall have a common work-room or shed: but while offenders are employed in work-room or shed, Governor or Taskmaster, or one or more of their servants or assistants, shall be constantly present, to attend their behaviour; and two persons shall not be suffered together, except during labour, divine service, and times for meals and airings. Sect. 33.

Offenders shall be employed in work every day in the year, except Sundays, Christmas-day, and Good-Friday, and when ill-health prevents them; and the hours of work in each day shall be as many as the season of the year, with an interval of half an hour for breakfast, and an hour for dinner, will permit, but not exceeding eight hours in November, December, and January; nine hours in February and October, and ten hours the rest of the year; and when hours of work are over, such of the working tools, implements, and materials, as will admit of removal, shall be removed for their safe custody, and there kept till the hour of labour returns. Sect. 34.

Every offender shall be fed with bread, and any coarse meat, or any other inferior food, and water, or small beer; and be cloathed with a coarse and uniform apparel, with marks or badges affixed to them, to be ordered as the Committee shall appoint; and no offender shall be permitted to have any other food, drink, or clothing; and if any person shall wilfully supply an offender with any food, &c. or money, he or she shall forfeit ten pounds, or forty shillings. Sect. 35.

No officer or servant shall supply offenders with money, clothing, provisions, diet, or liquors, except such as Governor shall permit, and Surgeon or Apothecary shall order in case of illness; and officer or servant found guilty, shall immediately be suspended by Governor, who shall report the same to the Committee; and Committee shall enquire thereof upon oath, and punish officer or servant by forfeiture of office, by fine not exceeding ten pounds, and imprisonment for six months, or by one or more

more of such punishments, as Committee shall think proper. Sect. 36.

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Offender ordered to hard labour, shall be separately lodged and washed, cleansed and purified, and examined by Surgeon or Apothecary, and continue in such separate lodging until they certify that he or she is fit to be received among the other convicts, and his or her clothes shall be burnt, or otherwise disposed of, and the produce thereof shall be accounted for to the Committee; and offender shall not be dismissed unless at his own request, if he shall then labour under any acute or dangerous distemper, nor until he can be safely discharged; and when he shall be finally discharged, such other decent clothing as shall be judged necessary by Committee, shall be delivered to offender, and also such money, for his or her immediate subsistence, not exceeding three pounds, nor less than twenty shillings, in case offender shall have been confined one year, and so in proportion for any shorter term; and if he, at the end of his term, shall procure any reputable master of a ship, tradesman, or substantial house-keeper, to take him or her into service, or employ him or her, for one year, same to be approved by Committee, he or she shall be entitled to as much money as was allowed him or her on dismissal. Sect. 37.

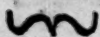
Offenders shall be divided into the first, second, and third class; and time offenders shall be committed, into three equal parts: first part of time of imprisonment, offender shall be ranked in the first class, second part of time in the second class, and third and last part of time in the third class; and the confinement and labour of offenders ranked in the first class shall be most strict and severe, of offenders in second class more moderate, and of those in third class still more relaxed; which confinement and labour affixed to each class, shall be settled by Committee, by orders of regulation to be approved of as aforesaid, but not to defeat special provisions of this Act. Sect. 38.

Governor may employ offenders of third class, as

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servants, Overseers, or Assistants, in the management of the works, and care of their fellow-prisoners, instead of being confined to daily labour. Sect. 39.

Each of the lodging-rooms shall have iron bedstead, with matting, hempen sheets, a coverlit, and coarse blankets ; and no person, except Officers and servants, and persons authorised by order of two of Committee, shall be permitted to go into lodging-rooms, or to see or converse with offenders ; and every night doors of lodging-rooms shall be locked, and lights extinguished, after nine o'clock ; and a watchman shall patrol each of such Penitentiary Houses at least twice in every hour of the night, and until time of labour in morning. Sect. 40.

Justices may visit and inspect every part of Penitentiary Houses, or places of confinement, in order to make report to Sessions, or give notice to Inspectors of abuse or mismanagement. Sect. 41.

Chaplain shall read morning and evening prayers in chapel of each Penitentiary Houses, and preach a sermon both morning and afternoon, on every Sunday in the year, and on Christmas and Good-Friday ; and all offenders not being disabled by illness, shall attend prayers and sermons, as also the resident Officers and such of the servants as can be spared from their employments, and not prevented by illness ; and Chaplain shall visit, with the leave of Governor, offenders, either sick or in health, that may desire or require his spiritual advice or assistance, provided visitation to offenders in health shall not interfere with hours of labour. Sect. 42.

There shall be, adjoining to each Penitentiary House, large and airy yards inclosed and properly secured, in which, and on the top of house, offenders shall be permitted to walk and air themselves, for time their health may require, and Governors permit ; and if proper employment can be found, offenders may be permitted to work in yards, instead of lodging or work-rooms ; but airing or working in yards shall never be permitted unless in presence or within view of Governor or Task-master, or some of their servants or assistants. Sect. 43.

In case offender shall appear to be sick, he or she shall be visited by Surgeon or Apothecary; and if the sickness be found to be real, they shall report same to Governor; who shall, if the sickness be such as to require it, order offender to be sent to infirmary, and entered in a book as sick; and when offender shall have so far recovered, as Surgeon or Apothecary judge him or her in condition to quit the infirmary, and return to his or her employment, and Apothecary shall so report, the Governor shall order offender to be brought back to his or her lodging-room, and again employed in labour, so far as shall be consistent with his or her health. Sect. 44.

Two of Committee shall attend each Penitentiary House once every fortnight, and examine state thereof, and see every offender not disabled by sickness; and inspect accounts of Governors and Storekeepers, and also examine conduct and management of house, and behaviour of the Officers and offenders; and Committee are to confer rewards and encouragements on the most diligent and meritorious *offenders, by giving them a small part of the profits of their earnings, to be applied for their use and benefit, or families, or by permitting them to work, during the intervals of stated labour, for the like use and benefit. Sect. 45.

Governor shall have power to hear all complaints touching disobedience of orders; assaults when no dangerous wound or bruise is given; profane cursing and swearing, or indecent behaviour; absence from chapel, or irreverent behaviour there; idleness or negligence in work, or wilful mismanagement of it; and Governor may examine any persons touching such offences, determine and punish, either by moderate whipping, or ordering offenders to close confinement in dungeons, and by keeping them upon bread and water only for three days. Sect. 46.

Offender guilty of offence which Governor is not authorised to punish, or for which punishment Governor is authorised to inflict shall by him be deemed not sufficient, by reason of enormity of offence, or

* *Meritorious offenders* seems to be rather a contradiction in terms.

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repetition thereof, he may confine offender, either in his or her own lodging-room, or in dungeon, till next meeting of Committee, and then report offence, with name of offender; and Committee shall enquire of, upon oath, and determine, and order offenders to be moderately whipped, or repeatedly whipped, or into close confinement in one of the dungeons, with bread and water, not exceeding one month; or remove offenders, if ranked in the second or third class, into any prior class; and in case of removal into any prior class, offender shall go through such prior class, and also the subsequent class as under his or her original commitment, and for such additional time as Committee shall order, so as the whole time of confinement, from order of removal into prior class, to final discharge of offender, shall not exceed original term of commitment. Sect. 47.

Whenever two of Committee are directed to make enquiry, or receive proof upon oath, one of them is authorised to administer oath; and any two of them may summon witnesses; and if any person shall not appear, or refuse to be sworn, or to give evidence, he shall forfeit twenty shillings, or ten pounds, at the discretion of Committee. Sect. 48.

If Committee shall observe, or be informed of extraordinary diligence or merit in offenders, they shall report the same to the Justices of Oyer and Terminer, and Goal Delivery, or Great Sessions; and if offenders shall be committed for a certain term of months or years, Justices may shorten his confinement, on condition that he, being a male, shall engage himself to serve by sea or land, or without condition, as to them shall seem meet; and if offender shall be committed for life, in pursuance of a conditional pardon, Justices may report him or her as an object of mercy. Sect. 49.

After delivery of male offender into custody of Superintendant, he shall be confined in some secure place, and shall be washed and cleaned, and his clothes burnt, and others provided for him; and he shall remain there for four days at least, unless
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he shall be found to be diseased; in which case he shall be immediately sent to Hospital or Infirmary, till Surgeon or Apothecary shall think it safe to remove him on board vessels appointed for confinement of offenders in general, and lodge him among the healthy convicts. Sect. 50.

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There shall be provided for the reception of such offenders in custody of Superintendant, as shall happen to be sick, or disabled by wound or accident, a secure vessel, to serve as an Hospital or Infirmary, with proper Assistants for their speedy recovery, but the whole to be under Superintendant, who shall be liable to answer for the escape of offender; and there shall also be provided, by Superintendant, a large piece of ground, securely fenced and inclosed, for a garden and airing-ground, in which shall be raised proper vegetables for the use of offenders under custody of Superintendant, who shall be at liberty to employ invalid offenders, recommended by Surgeon or Apothecary, and for whose escape he shall be liable to answer, in the culture and management of such garden. Sect. 51.

Subject to these exceptions and provisions, Superintendant shall keep him to hard labour, either in raising sand, soil, or gravel, or in any other laborious service, for the benefit of the navigation of the Thames, or of such other navigable rivers, ports, harbours, or havens, or in any other public works upon the banks or shores of the same; but when the said laborious service shall be for the navigation of the Thames, then at such places only, and subject to Master, Wardens, and Assistants of the Trinity-House. Sect. 52.

Offenders shall in no case be employed in delivering tonnage or ballast to Masters and Commanders of ships, but only in digging, raising, and taking up the gravel, &c. from the shelves and sand-bank of the said rivers, &c. and in discharging the same upon the shore, above the high-water mark, except where embankment or sea-wall shall be directed to be made or repaired, or in some other

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other laborious service for the benefit of such navigations, or for completing such other public works. Sect. 53.

Every offender who shall be ordered to hard labour in the custody of such Superintendant, shall be fed and sustained with bread, and any coarse meat, or other inferior food, and water or small-beer, and also clothed, under direction of Superintendant; and offender shall not be permitted to have other food, drink, or clothing; and if any person shall supply offender with any other than so directed, or with money, he shall forfeit not exceeding ten pounds, nor under forty shillings. Sect. 54.

If such offender shall refuse to labour, or shall be guilty of any misbehaviour or disorderly conduct, Superintendant may order whipping, or other moderate punishment, as may be inflicted by law on persons committed to a House of Correction for hard labour. Sect. 55.

Every such offender shall at end of his service, and upon being restored to his liberty, receive from the Superintendant such money, not less than twenty shillings, nor more than three pounds, in case he hath been confined one year, and so in proportion for shorter term, together with such decent clothing as the Court shall appoint: and if offender shall, by his industry and other good behaviour, shew signs of reformation to induce Court to recommend him as an object of mercy, and same shall be signified, by letter from Secretary of State, to Superintendant, that duration of offender's term be shortened; he shall be set at liberty, and together with necessary clothing, receive money from Superintendant, in proportion to time of his confinement; and offender so dismissed at end of his term, who shall procure reputable Master of a ship, tradesman, or substantial house-keeper, to take him into service or employ for one year, same to be approved by Superintendant, shall be entitled, at the end of year, to another

another sum of money, equal to that which was allowed him on his dismissal. Sect. 56. CONVICT
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No offender shall be dismissed at end of his term, unless at his own request, if he shall then labour under any distemper, nor until he can be safely discharged. Sect. 57.

In case offenders shall die in custody of Superintendant, they shall be buried to near where employed; and charges of funerals, and of Coroners sitting on their bodies, together with expences of chaplains, surgeons, and apothecaries, employed in attending offenders, shall be paid by Superintendant, and brought to account. Sect. 58.

Chaplains shall read morning and evening prayer, and preach a sermon after each, in place of confinement, every Christmas-day, Good Friday, and Sunday throughout the year. Sect. 59.

Superintendant shall, in treatment and employment of offenders, observe directions given for regulating the conduct of Governors, so far as the service will permit. Sect. 60.

Governors and Superintendants shall keep a book, and from thence make returns, specifying the names of persons committed, offences they have been guilty of, Court before which convicted, sentence of Court, age, bodily estate, and behaviour of convict while in custody, and names of persons who died under custody, or shall have escaped or discharged; which returns shall be made, the first day of every Term, to Court of King's Bench, and be verified on oath. Sect. 61.

State of Accounts of each Penitentiary House, shall be laid before the Justices for County in which same shall be situated, four times in the year, at their Quarter Sessions; and Accounts shall be then, or at adjourned Sessions, examined; and if Justices shall observe any notorious waste, or extravagant expences, or other gross mismanagement, they shall report the same to the Justices of King's Bench, who shall redress the same. Sect. 62.

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His Majesty to appoint Inspector of Penitentiary Houses, and of Ships to be employed on the River Thames for confinement of offenders, and of all Gaols and Places of criminal confinement in London and Middlesex; which Inspector shall visit and inspect places of confinement once every quarter of a-year, and examine into particulars, to be returned to Court of King's Bench; and also into the state of buildings, behaviour and conduct of Officers, treatment and condition of prisoners, amount of earnings and expences, and make report of same to both Houses of Parliament, at the beginning of every Session; and also in extreme necessity make special report to Justices of King's Bench, who shall immediately redress the same; and such Inspector shall continue during pleasure, and receive two hundred pounds per annum. Sect. 63.

Expences of carrying Act into execution shall be annually laid before the House of Commons, and after deducting nett profits arising from earnings of offenders, shall be provided for in the next supplies. Sect. 64.

If any person ordered to hard labour, instead of being capitally punished, shall break prison, or escape, he or she shall be guilty of felony, without benefit of clergy; but in case he or she so breaking prison, or escaping, hath been ordered to hard labour instead of transportation, he or she shall be punished by an addition of three years to the term for which he or she, at the term of his or her breach of prison, or escape, was subject to be confined; and if such person shall afterwards be convicted of a second escape, or breach of prison, he or she shall be adjudged of felony, without clergy. Sect. 65.

If any person shall rescue offender, or be aiding or assisting therein, he shall be guilty of felony, and may be ordered to hard labour for any term not less than one, nor exceeding five years: And if any person having the custody of offender, or being employed as a Keeper, Under-keeper, Turnkey, Assistant, or Guard, shall voluntarily permit offender

der to escape; or if any person whatsoever shall, by supplying arms, tools, or instruments of disguise, or otherwise, be aiding and assisting to offender in escape, or in attempt to make same, or attempt to rescue offender, or be aiding and assisting therein, though no rescue be actually made, he shall be guilty of felony; and if any person having such custody, or being employed by person having the same, shall negligently permit any offender to escape, he shall be guilty of a misdemeanor; and, upon conviction, shall be liable to fine or imprisonment, or both. Sect. 66.

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Offender escaping, breaking prison, or being rescued, may be tried before the Justices of Oyer and Terminer, or Gaol Delivery, or at Great Sessions for County where he or she shall be retaken and in case of any such prosecution, copy, properly attested, of certificate to Sheriff or Gaoler by Clerk of the Assize, or Clerk of Court in which offender is convicted, and by Sheriff or Gaoler, to be delivered, together with offender, to Governor or Superintendant, and by him to be transmitted to Clerk of the Peace, to be filed with the Records of the Sessions, shall, after proof made that person then in question before the Court is the same that was delivered with certificate, be sufficient evidence to Court and Jury, not only of nature and fact of conviction itself, and species of confinement to which person was ordered, but also that person then in question is the same that was so convicted, and ordered to such confinement. Sect. 67.

Pecuniary penalties, for the recovery of which no mode is prescribed, shall be recoverable before two Justices of Peace where offence committed, on proof by oath of one credible witness, or on confession; and one moiety shall be to use of Penitentiary House, to which offence more immediately relates, and the other to informer; and in case of non-payment, shall be levied by distress and sale of the offender's goods, by warrant; and overplus, after deducting penalty and expences,

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shall be rendered to the owner; and for want of sufficient distress, offender shall be sent by Justices to prison for not exceeding six months, nor less than one. Sect. 68.

Commissioners of Treasury may issue and allow to Treasurer of County of Middlesex, till certificate made, such money as shall appear to be reasonable, in aid of extraordinary expences that County may probably incur, in providing for the temporary reception and maintenance of great numbers of offenders, not exceeding three hundred pounds for one year, and so in proportion for any longer or shorter time. Sect. 69.

Whenever the Courts of Assize, Nisi Prius, Oyer and Terminer, or Gaol Delivery, for any County at large, shall be held in or near any City or Town that is also a County of itself, and at the same time with the like or any of the like Courts for the said City or Town, the lodgings of the Judges shall be construed and taken to be situate both within the County at large, and also within the County of such City or Town, for carrying this Act into execution, and of transacting the business of the Assizes for such County at large, and for the County of such City or Town, during the time that Judges shall continue therein for the execution of their Commissions. Sect. 70.

If any action shall be prosecuted for any thing done in pursuance of this Act, he may plead the general issue, and give Act or special matter in evidence at trial, and that same was done by the authority of this Act; and if a verdict shall pass for defendant, or the plaintiff be nonsuit, or discontinue, after issue joined; or if on demurrer, or otherwise, judgment shall be given against the plaintiff, defendant shall recover treble costs, and have like remedy defendants have in other cases; and tho' verdict shall be given for plaintiff, he shall not have costs, unless Judge shall certify his approbation of verdict. Sect. 71.

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All Actions shall be laid and tried in place where fact committed, and be commenced within six months * after fact. Sect. 72. CONVICT
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Star. 16 Geo. III. chap. 43. continued by 18 Geo. III. chap. 42. and 19 Geo. III. chap. 54. till first day of July last, shall, with regard to offenders whose terms of confinement under said Acts are unexpired, remain in force till end of said terms; save only that offenders so confined shall, from and after the said first day of July, be subject to the orders and regulations herein before contained, instead of those in 16 Geo. III. —Sect. 73.

This † Act shall continue in force until the first day of June, one thousand seven hundred and eighty-four, and to end of then next Session of Parliament; except with regard to offenders whose terms of confinement by virtue of this Act shall be then subsisting, with regard to whom it shall continue till end of their terms. Sect. 74.

* See Note *, p. 14.

† This Act was brought into Parliament by Sir Thomas Charles Bunbury, Baronet, one of the Knights of the Shire for the County of *Suffolk*.

T H E E N D.

E R R A T A.

P. 15. Note †, for "Atk. Rep. 346." read "Id. ib."

P. 16. Note †, for "Atk. Rep. 346." read "Id. ib."

P. 66. in Note add "Id. ib."

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